

## Closed Caption Log, Council Meeting, 03/02/06

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Mayor Wynn: GOOD MORNING, I'M AUSTIN MAYOR WILL WYNN, IT'S MY PERSPECTIVE TO WELCOME BRIAN PETERSON, PASTOR OF ASCENSION LUTHERAN CHURCH WHO WILL LEAD US IN OUR INVOCATION, PLEASE RISE.

MAYOR, MEMBERS OF THE COUNCIL, THOSE GATHERED HERE TODAY, GOOD MORNING. WOULD YOU PLEASE PRAY WITH ME? LORD GOD WE GAVE THANKS TO YOU FOR THIS DAY THAT YOU HAVE GIVEN TO US, THE LIFE THAT YOU HAVE GIVEN TO US IN THIS BEAUTIFUL COMMUNITY OF AUSTIN AND SURROUNDING NEIGHBORHOODS AND PLACES IN WHICH WE LIVE AND GO ABOUT OUR LIFE. WE ASK YOUR BLESSINGS UPON THE WORK OF THE CITY COUNCIL THIS DAY. AS THEY DELIBERATE MATTERS THAT ARE OF VITAL IMPORTANCE TO - - TO OUR COMMUNITY, TO OUR NEIGHBORHOODS, TO THE WELL-BEING OF ALL CITIZENS OF OUR CITY. AND AS YOU HAVE CALLED THE MEMBERS OF OUR COUNCIL THROUGH THE WILL OF THE PEOPLE, WE ASK THAT THEY WOULD CONTINUE TO SERVE IN THE BEST INTERESTS OF ALL OF OUR COMMUNITY. WE PRAY ESPECIALLY TODAY FOR THE MOST VULNERABLE IN OUR MIDST, THOSE WHO -- WHO PERHAPS DO NOT HAVE THE VOICE THAT OTHERS DO. WE THINK ESPECIALLY THIS DAY OF THE HUNG DEGREE, THE SICK -- HUNGRY, SICK, HOMELESS, YOUNG CHILDREN, THE UNDOCUMENTED AMONG US. AS YOU HAVE BLESSED US WITH -- WITH MANY GIFTS AND ABUNDANCE, HELP US TO KNOW THAT -- TO BE REMINDED THAT THOSE GIFTS ARE NOT MEANT JUST TO SERVE OUR OWN INTERESTS, BUT THE

WELL-BEING OF ALL. AND MAY THE WORK THIS DAY AND THROUGHOUT ALL OF THE SURROUNDING COMMUNITY BE TO YOUR -- BE IN ACCORDANCE WITH OUR YOUR WILL, WE ASK YOUR BLESSING UPON US THIS DAY AND ALWAYS. IN YOUR HOLY NAME WE PRAY. AMEN.

Mayor Wynn: THANK YOU, REVEREND PETERSON, I WILL CALL TO MEETING THE AUSTIN CITY COUNCIL THERE BEING A QUORUM PRESENT. THURSDAY MARCH 2nd, 2006, TEXAS INDEPENDENCE DAY, HERE IN THE CITY COUNCIL CHAMBERS, 301 WEST SECOND STREET, APPROXIMATELY 12 MINUTES AFTER 10:00 IN THE MORNING. WE HAVE -- WE HAVE A HANDFUL OF CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. I'LL READ THOSE INTO THE RECORD NOW. ON ITEM NO. 37, WE SHOULD INSERT THE PHRASE IDENTIFY WHAT IS NEEDED TO SECURE THE NEEDED EASEMENTS, A RESOLUTION DIRECTING THE CITY MANAGER TO WORK WITH THE SOUTHEAST AUSTIN TRAIL ALLIANCE REGARDING THE COUNTRY CLUB CREEK HIKE AND BIKE TRAIL. ITEM NO. 63, WE SHOULD NOTE THAT IN FACT IT HAS NOW BEEN REVIEWED AND IS RECOMMENDED BY THE PLANNING COMMISSION. ITEM 63. AS IS ITEM NO. 64, WHICH REVIEWED JUST THIS WEEK BY THE PLANNING COMMISSION AND IS RECOMMENDED FOR APPROVAL. OUR TIME CERTAINS FOR TODAY AT NOON, WE BREAK -- SORRY, RIGHT AFTER OUR -- OUR CONSENT AGENDA, WE WILL TAKE UP ITEMS 2, 3, 4, 5, AND 6, RELATED TO -- TO POTENTIAL CITY CHARTER AMENDMENTS. WE WILL HAVE THAT DISCUSSION AFTER OUR -- OUR CONSENT AGENDA THIS MORNING. THEN AT NOON WE WILL BREAK FOR OUR GENERAL CITIZENS COMMUNICATIONS. AT 2:00 WE WILL HAVE TWO BRIEFINGS THAT SHOW AS ITEM NO. 47 AND 48 ON THE AGENDA. 4:00 WE HAVE OUR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. THOSE SHOW UP AS ITEMS 49 THROUGH 58. AND PUBLIC HEARING ZONING CASES Z-1 THROUGH Z-14. WE WILL ANNOUNCE NOW THAT THE STAFF IS REQUESTING THAT THREE OF THE ZONING PUBLIC HEARING CASES BE POSTPONED. ALL THREE FOR ONE WEEK TO MARCH 9th, 2006. THOSE CASES ARE Z-4, THE MARTINS ZONING, Z-5 THE AMJRH ZONING AND Z-6 ROBERTSON HILL. AT 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS AND AT 6:00 WE HAVE PUBLIC HEARINGS

AND POSSIBLE ACTION ON ITEMS 59 THROUGH 66. AND WE WILL NOTE NOW THAT STAFF WILL BE REQUESTING THAT WE POSTPONE ITEM 64, ONE WEEK TO MARCH 9th, 2006. SO, COUNCIL, IN ADDITION TO THE TIME CERTAIN ITEMS THAT ARE OFF THE CONSENT AGENDA, THE ONLY OTHER ITEM THAT WE HAVE PULLED IS ITEM NO. 21, RELATED TO THE SHOAL CREEK RESTRIPIING. MY UNDERSTANDING IS THAT STAFF WANTED TO DISCUSS SOME ADDITIONAL OPTIONS PRIOR TO THAT APPROVAL. SO ITEM NO. 21 WILL NOT BE ON THE CONSENT AGENDA. ANY ADDITIONAL ITEMS TO BE PULLED? COUNCIL? IF NOT THEN I WILL READ THIS MORNING'S CONSENT AGENDA NUMERICALLY. IT WILL BE ITEM 1, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 WHICH ARE OUR BOARDS AND COMMISSIONS WHICH I WILL READ INTO THE RECORD. TO OUR ARTS COMMISSION, BRET BARNES IS COUNCILMEMBER DUNKERLY S APPOINTMENT. TO THE DAY LABOR COMMUNITY ADVISORY COMMITTEE, PEDRO CARLERO IS A CONSENSUS APPOINTMENT. PEDRO REPRESENT -- IS A DAY LABORER REPRESENTATIVE. THE CANDACE CROWZIER, DECANDACE IS THE NEIGHBORHOOD REPRESENTATIVE OF THE NEARBY I-35 NEIGHBORS. JENNIFER LONG IS THE CONSENSUS APPOINTMENT, SHE'S AN ADVOCACY GROUP REPRESENTATIVE. DAVID LURIE, THE CITY'S DIRECTOR OF HEALTH AND HUMAN SERVICES IS A CONSENSUS CONFIRMATION OF A DESIGNATION BY THE CITY MANAGER. A CITY EMPLOYEE NON-VOTING EX-FISH I DON'T MEMBER, AS IS CHIEF MICHAEL McDONALD THE ASSISTANT CITY MANAGER, JULIAN ROSS IS A CONSENSUS APPOINTMENT. [INDISCERNIBLE] IMMIGRANT AFFAIRS, PAUL SCHURR COUNTRIES APPOINTMENT, EMPLOYER RELATED REPRESENTATIVE. EMILY TIM IS A CONSENSUS APPOINTMENT, AGAIN AN ADVOCACY GROUP REPRESENTATIVE. MICHAEL WEINS IS A CONSENSUS APPOINTMENT, A BUSINESS COMMUNITY REPRESENTATIVE WHO UTILIZES DAY LABORERS, AND KENNARD WRIGHT, III, THE BUSINESS COMMUNITY REPRESENTATIVE. THAT'S THE MAKEUP OF OUR DAY LABORER ADVISORY COMMITTEE. TO THE DOWNTOWN AUSTIN COMMUNITY COURT ADVISORY CAN HE, SUSAN JACKSON IS A CONSENSUS APPOINTMENT. TO OUR ELECTRIC UTILITY COMMISSION, GREG [INDISCERNIBLE] IS COUNCILMEMBER MCCRACKEN'S

APPOINTMENT. AND PHILLIP SCHMETT IS COUNCILMEMBER KIM'S APPOINTMENT. AND TO OUR LIBRARY COMMISSION, HOSANOSBARRIOS IS COUNCILMEMBER MCCRACKEN'S REAPPOINTMENT. CONTINUING ON. ITEM NO. 34, 35, 36, 37, PER CHANGES AND CORRECTIONS AND 38. I'LL ENTERTAIN A MOTION ON THE CONSENT AGENDA.

MAYOR, IF I COULD INTERRUPT BRIEFLY, ITEM NO. 32 IS ON THE CONSENT AGENDA AND ASSISTANT CITY ATTORNEY MARTHA TERRY HAS SOME CLARIFICATION ON THAT ITEM.

MAYOR AND COUNCIL, MARTHA TERRY, ASSISTANT CITY ATTORNEY. WE POSTED THAT AS [INDISCERNIBLE] IF YOU ALL DESIRE TO LEAVE THAT ON YOUR CONSENT AGENDA, THE ORDINANCE IS IN YOUR BACKUP, WE WOULD SUGGEST THAT YOU SIMPLY NOTE THAT YOU ARE APPROVING THAT ORDINANCE.

Mayor Wynn: THANK YOU, MS. TERRY.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL? LEFFINGWELL I WOULD LIKE TO PULL 32 FROM THE CONSENT AGENDA.

Mayor Wynn: THANK YOU. SO WE WILL SHOW ITEM NO. 32 OFF THE CONSENT AGENDA, ALSO.

Mayor Wynn: THANK YOU. SO I WILL ENTERTAIN A MOTION -- COUNCILMEMBER ALVAREZ?

Alvarez: A QUESTION ON 38. SAYS WE ARE ADDING TWO MEMBERS TO THE TASK FORCE. MAYBE I MISSED IT, BUT WHO ARE THOSE TWO MEMBERS THAT ARE BEING ADDED? MAIZE COUNCILMEMBER MCCRACKEN?

McCracken: I SHOULD ACTUALLY REFLECT A SUBSTITUTION OF ONE MONEY FOR ANOTHER. THE AMERICAN INSTITUTE OF ARCHITECTS DESIGNATED A POSITION ON THE TASK FORCE AS BEING TAKEN BY WILLIAM BURKEHART, FLORES WAS THE ARCHITECT REPRESENTATIVE AND IS NOT ABLE TO SERVE. HE ASKED TO STEP DOWN, SO WILLIE BURKEHART WILL BE TAKING HIS PLACE, THAT'S THE ONLY CHANGE.

Alvarez: BUT IT SAYS ADDING TWO ADDITIONAL MEMBERS.

McCracken: THAT WAS SIMPLY FOR POSTING PURPOSES.

Alvarez: JUST ADDING ONE INSTEAD OF TWO?

McCracken: RIGHT.

Mayor Wynn: CAN YOU SORT OF SHOW THAT AS ESSENTIALLY A CHANGE AND CORRECTION TO THAT CHANGE OF APPOINTMENTS. FURTHER QUESTIONS OR COMMENTS? IF NOT I'LL ENTERTAIN A MOTION ON THE CONSENT AGENDA, AGAIN THAT INCLUDES -- THAT INCLUDES ONLY ITEMS 21 AND 32, BEING PULLED OFF THE CONSENT AGENDA.

MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER KIM, SECONDED BY COUNCILMEMBER ALVAREZ TO APPROVE THE -- MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER ALVAREZ TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? COUNCILMEMBER ALVAREZ?

Alvarez: MAYOR, JUST A QUICK COMMENT ON 37. WHICH IS AN ITEM CO-SPONSORED BY MYSELF AND COUNCILMEMBER LEFFINGWELL. WE HEARD A CITIZENS COMMUNICATION A COUPLE OF WEEKS BACK ABOUT THE COUNTRY CLUB CREEK HIKE AND BIKE TRAIL THAT -- LET ME SEE IF I CAN GET THIS RIGHT, SOUTHEAST AUSTIN TRAILS AND GREENWAYS ALLIANCE HAS BEEN WORKING ON. SO THIS BASICALLY INITIATES A PROCESS, CONTINUES THE PROCESS THAT'S ALREADY BEEN INITIATED ABOUT -- ABOUT -- ABOUT THE CLB COLLABORATION BETWEEN THE CITY AND THIS GROUP, TRYING TO HELP ESTABLISH THAT PARTICULAR HIKE AND BIKE TRAIL. AND IN LOOKING AT, YOU KNOW, THE POSSIBILITY OF GETTING EASEMENTS THAT ARE NECESSARY FOR ESTABLISHING A TRAIL. THAT IS AGAIN IN RESPONSE TO THE CITIZENS REQUEST THAT WE RECEIVED A COUPLE OF WEEKS BACK. I BELIEVE ACTUALLY THAT THE -- THAT THE -- THAT THE CHANGES AND CORRECTIONS, I NOTICE THAT THERE WAS A RESOLUTION. THAT WAS DISTRIBUTED. THAT HAD THE UNCHANGED LANGUAGE

BECAUSE IT -- THE CHANGES AND CORRECTIONS CHANGED THE POSTING LANGUAGE, BUT THE RESOLUTION LANGUAGE THAT WAS DISTRIBUTED WAS STILL THE SAME AS THE ORIGINAL LANGUAGE. I WOULD PROPOSE AN AMENDMENT, FRIENDLY AMENDMENT TO MY MOTION THAT I SECONDED THAT THE POSTING LANGUAGE, YOU KNOW, BE THE -- REPLACE THE LANGUAGE IN THE RESOLUTION AS WELL. MAYBE OUR -- MAYBE SOMEONE FROM OUR LAW DEPARTMENT CAN CLARIFY THAT SUFFICIENT INFORMATION.

MR. SMITH IS CALLING IT NOW. THE ISSUE IS EARLIER I READ INTO THE CHANGES AND CORRECTION ITEM NO. 37 INSERTING THE PHRASE ESSENTIALLY IDENTIFY WHAT IS NEEDED TO SECURE THOSE EASEMENTS AND COUNCILMEMBER ALVAREZ HAS NOTED THAT -- THAT AT LEAST OUR CURRENT BACKUP DOESN'T HAVE THAT -- DOESN'T REFLECT THAT SUMMARY CHANGE.

YES, I'M LOOKING AT THE POSTING LANGUAGE ON THE COUNCIL'S AGENDA AND THE RESOLUTION THAT'S IN THE BACKUP OF -- IT DOES NOT HAVE -- HAVE THE LANGUAGE THAT THE COUNCILMEMBER DESIRES. BUT IT IS SUFFICIENT FOR THE COUNCILMEMBER TO HAVE ORALLY MADE THE ADDITION OF THAT LANGUAGE, ASCERTAINING WHAT'S NEEDED TO SECURE.

Alvarez: IT'S REALLY JUST SO THAT THE RESOLUTION LANGUAGE REFLECTS THE LANGUAGE AS WAS READ INTO THE RECORD DURING CHANGES AND CORRECTIONS.

SO THE ANSWER -- YOUR SUGGESTION IS SUFFICIENT UNDER BOTH POSTING AND WHAT'S IN BACKUP AND WE IN THE LAW DEPARTMENT CAN MAKE THE FINAL RESOLUTION. WE KNOW ENOUGH OF YOUR ACTION TO MAKE THE FINAL RESOLUTION REFLECT WHAT YOU DESIRE.

Alvarez: GREAT, THANK YOU, MAYOR.

Mayor Wynn: THANK YOU, COUNCILMEMBER. WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? COUNCILMEMBER MCCRACKEN?

McCracken: WE HAVE ON THE AGENDA ITEM 36, WHICH IS TO APPROVE A RESOLUTION, TO CONDUCT A STUDY OF THE ECONOMIC IMPACT OF THE DIGITAL MEDIA/ENTERTAINMENT INDUSTRY. THAT THE EMERGING TECHNOLOGY COMMITTEE MEETING LAST WEEK, WE HEARD FROM TWO OF OUR GREAT LOCAL EMPLOYERS, A.M.D. AND SIGMATEL, THEY WERE TELLING US IN ADDITION TO NC SOFT [INDISCERNIBLE] THAT WE HAVE THE VIDEO GAME INDUSTRY WE ARE CURRENTLY THE NATIONAL LEADER ON IT. IT IS ACTUALLY STARTING TO OUTPACE THE MOVIE INDUSTRY IN SALES. SO WHAT -- WHAT THE MOMENT AUSTIN IS THE -- IS THE INTERNATIONAL LEADER IN ONLINE VIDEO GAME SALES. THAT IS BIGGER THAN THE MOVIE INDUSTRY, BUT WE ARE SEEING OUR MARKET POSITION SLIP. A.M.D. AND SIGMATEL BOTH TOLD US ONE OF THE BIG REASONS WHY THEY HAVE SUCH AN EXTENSIVE PRESENCE IN AUSTIN IS TO BE HERE WITH THE VIDEO GAME INDUSTRY BECAUSE ADVANCES IN THESE -- IN THESE -- IN THIS INDUSTRY DRIVE SALES OF NEW PRODUCT AND DEVELOPMENT OF NEW PRODUCT AS -- AS A.M.D. POINTED OUT, CHARLIE BOSWELL, YOU DO NOT -- THEY ARE NOT BUILDING -- PEOPLE ARE NOT BUYING BIG NEW COMPUTERS TO GET THE UPGRADE TO MICROSOFT WORD OR MICROSOFT EXCEL. THEY ARE DOING IT BECAUSE OF THE NEW CONTENT THAT'S DRIVING NEW PRODUCT DEVELOPMENT. SO WHAT WE HAVE LEARNED FROM -- FROM ALL OF THE SPEAKERS THERE WAS HOW IMPORTANT IT IS TO FIND OUT EXACTLY WHAT'S GOING ON AND -- AND THE BEST PRACTICES SO THAT WE CAN EXTENUATE OUR MARKET LEADERSHIP IN THIS VERY IMPORTANT INDUSTRY, WHICH IS AN IMPORTANT REASON WHY OUR SEMICONDUCTOR SECTOR IS ALSO SO POTENT IN THIS AREA. WE LEARNED A LOT FROM OUR FILM STUDY TWO YEARS AGO, THAT HAS DRIVEN POLICY DECISIONS. IN FACT THIS WILL HELP US MAINTAIN AND EXPAND OUR MARKET LEADERSHIP. NOT JUST IN DIGITAL MEDIA, BUT THEN EXPAND OUR INTERNATIONAL POSITION IN SEMICONDUCTORS AS WELL.

THANK YOU, COUNCILMEMBER. FOR THAT IMPORTANT -- FURTHER COMMENTS ON THE CONSENT AGENDA? I WILL JUST POINT OUT ON ITEM NO. 8, UNDER OUR ECONOMIC GROWTH AND REDEVELOPMENT SERVICES DEPARTMENT,

WE ARE APPROVING AN ORDINANCE FOR A LIMITED TAX ABATEMENT AS PART OF OUR STANDARD, VERY TRANSPARENT, FORMULATED PROGRAM. THIS WOULD -- THIS ONE HAPPENS TO BE WITH HEWLETT PACKARD, WE ARE VERY PROUD OF THIS INVESTMENT THAT THEY WILL BE MAKING OVER ON ED BLUESTEIN IN EAST AUSTIN. THE CURRENT PACKAGE AS IT IS PRESENTED CONTEMPT PLATES 150 JOBS WITH AN AVERAGE SALARY OF ABOUT \$60,000 A YEAR. AND -- AND ESSENTIALLY WHEN YOU LOOK AT THE MATH IT'S A REMARKABLE, DIRECT, IMMEDIATE PAY BACK TO THE CITY'S GENERAL FUND OF OVER 3 TO 1. OF COURSE THE INDIRECT AND SECONDARY BENEFITS, THE -- FOR THE SPINOFF BENEFITS OF THESE HIGH PAYING JOBS IN EAST AUSTIN ARE -- ARE QUITE DRAMATIC. WE ARE VERY PROUD OF THE STAFF FOR -- FOR CONTINUING TO -- TO WORK WITH GREATER AUSTIN CHAMBER OF COMMERCE AND OPPORTUNITY AUSTIN TO BRING THESE HIGH PAYING, HIGH QUALITY JOBS TO US AND HAVE THEM LOCATED PRECISELY WHERE WE WOULD LIKE. AND A BIG THANK YOU TO HEWLETT PACKARD FOR THEIR CONFIDENCE IN OUR COMMUNITY AND THEIR SHARED INVESTMENT. AGAIN WE HAVE A MOTION AND A SECOND ON THE TABLE, FURTHER COMMENTS. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.,.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. THAT BRINGS US TO OUR 10:30 TIME CERTAIN FOR OUR ELECTION AND CHARTER AMENDMENT ORDINANCE DISCUSSION. IF I REMEMBER CORRECTLY, FROM A DISCUSSION WE HAD A MONTH OR SO AGO, WE -- WE TECHNICALLY HAVE UNTIL NEXT THURSDAY BEING THE LAST COUNCIL MEETING PRIOR TO 60 DAYS IN ADVANCE OF THE MAY 13th ELECTION TO DO THIS, I AM VERY SUPPORTIVE AND GLAD THAT STAFF POSTED AND BROUGHT THIS DISCUSSION TO US A WEEK EARLY. SO WE CAN BEGIN THAT DISCUSSION THIS THURSDAY, IF NEED BE, OF COURSE, WE HAVE THE ABILITY TO -- TO TAKE IT UP AGAIN NEXT THURSDAY AND STILL EASILY MEET OUR MANDATED DEADLINE. SO PERHAPS THAT'S JUST A STAFF OVERVIEW OF THE PROCESS THAT WE -- TECHNICALLY CALL THE ELECTION IN THE PROCESS WHEREAS WE AS A COUNCIL CAN -- CAN -- CAN OFFER POTENTIAL CHARTER AMENDMENTS AND OF COURSE THEN WE WILL HAVE DISCUSSION ABOUT SOME CITIZEN PETITION

## DRIVEN POTENTIAL CHARTER AMENDMENTS.

COUNCIL, JENNY GILCHRIST WITH THE CITY LAW DEPARTMENTS. THERE ARE TWO TYPES OF ORDINANCES IN FRONT OF YOU THIS MORNING, THE FIRST, MS. GENTRY WILL RESPOND TO -- SIMPLY CALLS THE ELECTION ITSELF FOR THE COUNCIL SEATS THAT ESTABLISHES POLLING PLACES, IT ALLOWS US TO CONTRACT WITH OTHER GOVERNMENTAL ENTITIES TO RUN THE ELECTION. THAT'S REALLY THE ADMINISTRATIVE PIECE OF CALLING THE MAY ELECTION. THE OTHER ORDINANCES THAT ARE IN FRONT OF YOU ARE CHARTER AMENDMENTS. UNDER THE LOCAL GOVERNMENT CODE THE CITY CHARTER, WHICH IS OUR CONSTITUTION, CAN BE AMENDED IN ONE OF ONLY TWO WAYS. COUNCILMEMBERS ITSELF WAS -- CAN ADOPT, A COUNCILMAN -- A CHARTER AMENDMENT TO BE PUT BEFORE THE VOTERS OR THE CITIZENS, 5% OR 20,000 REGISTERED VOTERS, CAN -- CAN ASK THE COUNCIL TO PUT A CHARTER AMENDMENT ON. ONCE COUNCIL GETS A VALID PETITION, THEY MUST PUT IT BEFORE THE VOTERS OF THE NEXT UNIFORM ELECTION DATE. IN THIS CASE WE HAVE ONE PETITION NOW SUBMITTED BY THE SAVE OUR SPRINGS ALLIANCE THAT'S BEEN VALIDATED BY THE CITY CLERK. WHICH WILL NEED TO GO ON THE MAY 13th ELECTION. THE COUNCIL'S RESPONSIBILITY IS TO ADOPT AN ORDINANCE PUTTING THAT FORWARD AND ALSO TO CRAFT THE BALLOT LANGUAGE THAT WILL APPEAR ON THE BALLOT. THE -- JUST SO YOU KNOW WHAT FRAMEWORK YOU ARE WORKING WITHIN, THE COURTS GIVE QUITE A BIT OF DISCRETION TO COUNCIL IN TERMS OF WHAT THE BALLOT LANGUAGE SAYS. IT HAS TO -- TO CLEARLY IDENTIFY THE MEASURE SO THAT FOLKS KNOW WHAT THEY ARE VOTING ON. AND THAT'S TRUE OF ANY CHARTER AMENDMENT. THE ONES THAT ARE COUNCIL GENERATED OR THE ONES THAT ARE CITIZEN INITIATED. IT HAS TO -- IT HAS TO -- TO TOUCH ON THE MAIN POINTS. BUT MOSTLY IT IS ONLY -- ALL NEEDS TO BE SUFFICIENT TO GIVE A REASONABLY INTELLIGENT VOTER THE ABILITY TO IDENTIFY WHAT THE MEASURE IS THAT'S BEFORE THEM AND ALL BALLOTS MUST BE A STRAIGHT UP, DOWN, YES, NO VOTE. THERE CAN'T BE IF -- YOU CAN'T VOTE FOR A OR B. SO EACH BALLOT PROPOSITION HAS TO BE VOTE YES OR NO ON THE FOLLOWING QUESTIONS. SHALL

THE CHARTER BE AMENDED TO -- THEN A DESCRIPTION OF THE BALLOT MEASURE. SO WITH THAT SAID, IF THERE ARE ANY QUESTION ABOUTS CALLING THE BALLOT ITSELF, ITEM NO. 2 IS MS. GENTRY'S ITEM.

WE WILL TAKE THEM UP SEQUENTIALLY. ITEM NO. 2 SEEMS TO BE THE EASIEST MOST STRAIGHTFORWARD ONE FROM THE CITY CLERK. TECHNICALLY JUST CALLING FOR THE ELECTION. OF PLACES 2, 5, 6 AND THE MAYOR'S SEAT FOR MAY 13th, 2006, OF COURSE BY DOING SO WE THEN OFFER THE ABILITY FOR THERE TO BE CHARTER AMENDMENTS ON THAT. SAME BALLOT. WE'VE ONE SPEAKER SIGNED UP, PERHAPS WE WILL TAKE PUBLIC COMMENT FIRST, THEN DISCUSSION. TOM SMITH SIGNED UP WISHING TO SPEAK ON ITEM NO. 2. WHY DON'T YOU COME FORWARD, MR. -- I DON'T SEE MR. SMITH. SO THERE HE IS. WE CALLED UP ITEM NO. TWO, SMITTY, THE ACTUAL TECHNICALLY CALLING FOR THE ELECTION.

MAYOR, I HAVE BEEN FUN AND GAME WAS YOUR NEW KIOSKS AND HAVEN'T MASTERED THEM YET. I WANTED TO SPEAK ON 3 THE CAMPAIGN FINANCE ORDINANCES. IS IT APPROPRIATE TO SPEAK ON THOSE AT THIS POINT.

Mayor Wynn: IF YOU DON'T MIND LET'S WAIT FOR THAT ITEM TO BE CALLED UP. PLENTY OF TIME FOR YOU TO SPEAK. MR. ROBBINS, ITEM NO. 2?

BEFORE MY TIME STARTS, I HAVE ALSO HAD MUCH FUN WITH YOUR NEW KIOSK. I DID SIGN UP APPROPRIATELY. SOMEHOW IT HASN'T REGISTERED. THIS IS THE SECOND TIME THIS HAS HAPPENED. SO I HOPE THAT YOU ALL WILL CORRECT THE SYSTEM.

Mayor Wynn: THANK YOU, MR. ROBBINS. WELL NOTED.

CITY COUNCIL, CITIZENS OF AUSTIN, I'M PAUL ROBBINS, A CONSUMER ADVOCATE AND ENVIRONMENTAL ACTIVIST. MY COMMENTS ACTUALLY PERTAIN TO ITEMS 2 THROUGH 6. BUT IN THE INTEREST OF YOUR GOOD TIME, I WILL TRY TO LIMIT MY COMMENTS TO THIS ITEM ONLY. ITEMS 2 THROUGH 6 ARE A RESPONSE TO A CITIZENS VALID CHARTER AMENDMENT PETITION BY THE SAVE OUR SPRINGS ALLIANCE. SINCE THE

CHARTER, ONLY ALLOWS THAT IT BE AMENDED EVERY TWO YEARS, THE COUNCIL WAS USING THIS OPPORTUNITY TO ADD OTHER CHARTER AMENDMENTS. I SUBMIT THERE IS ANOTHER CHARTER AMENDMENT YOU NEED TO ADD. VOTER APPROVAL FOR REVENUE BONDS FOR A NUMBER OF YEARS THE CITY OF AUSTIN HAS BEEN IGNORE ITS CHARTER, WHICH STATES UNDER ARTICLE 7, SECTION 11, THAT VOTERS WILL APPROVE ALL REVENUE BONDS. THE CITY HAS BEEN BLATANTLY IGNORING THIS AND I WANT MY VOTE BACK. IF THE CITY COUNCIL AND STAFF DISAGREE WITH THIS PROVISION OF THE CHARTER, THE PROPER THING TO DO IS TO SUBMIT THIS TO THE VOTERS. I DOUBT THEY WILL REJECT THEIR RIGHT TO VOTE. WHEN THIS WAS ATTEMPTED IN A CHARTER ELECTION IN JANUARY OF 1985, IT WAS SOUNDLY DEFEATED BY A MARGIN OF 69-31. I DON'T THINK CITIZENS WANT TO REMOVE OVERSIGHT OF FINANCIAL AND ENVIRONMENTAL MATTERS RELATED TO THEIR UTILITIES. BUT MAYBE I'M WRONG. THE POINT IS THAT THE CITY COUNCIL NEEDS TO PUT THIS ON THE BALLOT OR INCLUDE ELECTRIC WATER AND WASTEWATER UTILITY BONDS IN THE UPCOMING BOND ELECTION. I WANT TO REPEAT MY MAIN POINT. THE CITIZENS OF AUSTIN HAVE NEVER RENOUNCED THEIR RIGHT TO VOTE ON REVENUE BONDS FOR THEIR UTILITIES. YOU HAVE THE TIME TO GET THIS ON THE BALLOT IF YOU DISAGREE WITH THIS POSITION. VOTING ON REVENUE BONDS, IN MY HUMBLE OPINION, IS A NECESSARY CHECK AND BALANCE IN THE PROCESS OF CITY GOVERNMENT. THANK YOU FOR YOUR ATTENTION.

Mayor Wynn: THANK YOU FOR BRINGING THIS TO OUR ATTENTION, BY POSTING THIS TODAY, THURSDAY THE 2nd, WE HAVE ANOTHER WEEK TO -- FOR COUNCIL TO CONSIDER EITHER, YOU KNOW, DELAYING ACTION ON THESE, ADDING MORE POTENTIAL CHARTER AMENDMENTS, NEXT THURSDAY BEING OUR LAST COUNCIL MEETING BEFORE OUR DEADLINE, SO THIS GIVES US -- NOTICE AND ABILITY TO DISCUSS THIS. COUNCILMEMBER DUNKERLY?

Dunkerly: COULD I MAKE A COMMENT ABOUT THAT. UNDER STATE LAW REVENUE BONDS ARE NOT REQUIRED TO BE VOTED. IN FACT WE NO LONGER USE ACTUAL REVENUE BONDS AND -- IN OUR UTILITIES, WE USE A COMMERCIAL PAPER PROGRAM TO ACTUALLY FUND OUR UTILITY DEBT.

WE DID MAINTAIN IN OUR FINANCIAL POLICIES, HOWEVER, THAT ANY MAJOR INCREASE, WHEN YOU -- A NEW PLANT OR A MAJOR EXPANSION OF A PLANT, WE WOULD PUT TO THE VOTERS BECAUSE I THINK THAT WAS -- TO THE VOTERS, BECAUSE I THINK THAT WAS THE INTENT OF THE VOTERS WANTED TO HAVE AN OPPORTUNITY TO VOTE ON NEW PLANS OR NEW EXPANSIONS. THAT REMAINS AS PART OF OUR FINANCIAL POLICIES AND WE STILL DO THAT. BUT THE NORMAL UPGRADES AND MAINTENANCE ON A NORMAL PLANTING THROUGH OUR COMMERCIAL PAPER PROGRAM AND THEN THAT'S HOW THEY ARE FUNDED AT THIS TIME. SO OWE.

THAT IS NOT WHAT YOUR UTILITY STAFF HAS TOLD ME, MS. DUNKERLY. I HAVE BEEN TOLD BY A SENIOR PERSON AT WATER AND WASTEWATER THAT THE COMMERCIAL PAPER IS EVENTUALLY TRANSFERRED INTO REVENUE BONDS.

THEY ARE NOT TRANSFERRED INTO -- THEY ARE TRANSFERRED INTO REFUNDING REVENUE BONDS, NOT ACTUALLY REVENUE BONDS.

THAT IS NOT MY INFORMATION, MA'AM.

Dunkerly: WELL, THAT'S WHAT WE ROLL THEM INTO.

REGARDING UNDER STATE LAW, I WOULD HAVE TO GET -- GET SIGN UP FOR ALL FIVE OTHER PROVISIONS THAT WE'RE DISCUSSING HERE TO HAVE ENOUGH TIME TO DEAL WITH YOUR POINT. HOWEVER, YOU ARE NOT A STATE ELECTED OFFICIAL, YOU ARE A CITY ELECTED OFFICIAL. THIS IS A CUSTOM AND LAW WITHIN THE CITY AND I WOULD THINK THAT YOU WOULD WANT TO -- TO RESPECT THAT. THANK YOU.

THANK YOU, MR. ROBBINS, YOU WILL BE ABLE TO SPEAK ON EACH OF THESE DISCUSSION ITEMS.

I APPRECIATE THAT. I'M NOT SURE IF -- DO WE REALLY WANT TO REVISIT 20 YEARS OF HISTORY TODAY. I WOULD BE GLAD TO DO IT. BUT I BET YOU ARE GOING TO BE HERE UNTIL 10:00 TONIGHT. I'M NOT SURE THAT YOU WANT TO SPEND THAT

MUCH TIME. BUT --

Mayor Wynn: FAIR ENOUGH. ACTUALLY, MR. STEPHENS, WOULD YOU MIND FOR MY CLARIFICATION --

Futrell: WHILE JOHN IS STEPPING UP, PAUL, PETE COLLINS OUR I.T. GURU IS HERE, HE'S GOING TO HELP YOU WALK THROUGH THE KIOSK ISSUE SO WE CAN SEE WHETHER WE ARE HAVING A PROBLEM OR WHETHER WE HAVE USER ERROR. OKAY? THANKS. [LAUGHTER]

PETE IS GOING TO WAIT PATIENTLY. I WASN'T SAYING THAT YOU NEED TO LEAVE RIGHT NOW. HE'S RIGHT UP THERE WITH YOU, GOING TO WAIT UNTIL THE DISCUSSION IS OVER, HE WILL WALK YOU OUT.

WELCOME, MR. STEPHENS. REVENUE BONDS.

I'M ESSENTIALLY GOING TO REITERATE WHAT COUNCILMEMBER DUNKERLY SAID BECAUSE THAT IS THE SITUATION. COUNCIL HAS A FINANCIAL POLICY FOR THE WATER AND WASTEWATER UTILITY THAT -- THAT FOR -- FOR REVENUE DEBT ASSOCIATED WITH NEW PLANTS THAT WOULD BE IN THE DRINKING WATER PROTECTION ZONE, WE WILL TAKE THAT TO THE VOTERS. THE SITUATION HAS NOT HAPPENED. SO WE HAVE NOT HAD OPPORTUNITY TO TAKE THOSE BONDS TO THE VOTERS. NOR HAVE WE HAD OPPORTUNITY TO TAKE AUSTIN ENERGY REVENUE BONDS TO THE VOTERS BECAUSE WE HAVE BEEN BUILDING THOSE ASSETS. FOR EXAMPLE, THE SAND HILL PLANT IN CASH. BUT I WOULD JUST REITERATE, AGAIN WHAT SHE SAID THAT WE ISSUE COMMERCIAL PAPER FOR -- FOR ROUTINE PLANT IMPROVEMENTS AND PLANT EXPANSIONS THAT ARE IN THE DRINKING -- IN THE DESIRED DEVELOPMENT ZONE AND WE THEN ISSUE REFUNDING BONDS FOR THOSE.

Mayor Wynn: AGAIN, COUNCIL, WE ARE NOT POSTED TO POTENTIALLY HAVE A REVENUE BOND ITEM ON THE CHARTER, BUT WE COULD TAKE THAT UP NEXT THURSDAY. WE HAVE TIME PRIOR TO CALLING THE ELECTION.

ACTUALLY, COUNCILMEMBER, THIS IS A CASE WHERE STATE LAW DOES SUPERSEDE OUR CHARTER, EVEN THOUGH IT

SAYS IN OUR CHARTER THAT VOTERS SHOULD APPROVE IT, THE STATE LAW TAKES THAT AUTHORITY AWAY FROM THE VOTERS. SO OUR CHARTER, THAT PROVISION HAS BEEN SUPERSEDED. THERE ARE OTHER PROVISIONS IN MANY CITY CHARTERS THAT WERE STRUCK DOWN AT THE SAME TIME.

Mayor Wynn: OKAY. AGAIN, COUNCIL, WE WILL HAVE A WEEK TO VERIFY SOME OF THESE ITEMS PRIOR TO NEXT THURSDAY. COUNCILMEMBER ALVAREZ?

MAYOR, I THINK -- I GUESS PROBABLY WE GET TO DECIDE WHETHER WE SEND THOSE TYPE OF THINGS TO THE VOTERS OR NOT. IT'S IN OUR CHARTER. I DON'T THINK -- JUST BECAUSE THE STATE LAW SAYS YOU DON'T HAVE TO TAKE IT DOESN'T MEAN YOU CAN'T TAKE IT.

THAT'S CORRECT.

AT LEAST THAT'S HOW I WOULD LOOK AT IT. I JUST WANT TO MAKE SURE THAT -- THAT WE RECOGNIZE THAT WE STILL HAVE THE ABILITY TO DO THAT. IT'S NOT -- IT'S NOT OUTLINED SO TO SPEAK.

IT'S NOT, JUST THE CHARTER MANDATE IS SUBJECT TO COUNCIL ACTION.

THANKS.

THANK YOU.

Mayor Wynn: COUNCIL, TECHNICALLY WE ARE DISCUSSING ITEM NO. 2, WHICH IS THE GENERAL CALLING OF THE ELECTION, THE QUESTION THAT I HAVE FOR MS. GILCHRIST OR MS. GENTRY IS BY APPROVING THIS ORDINANCE NUMBER 2 TODAY, THAT DOESN'T LIMIT US FROM HAVING ADDITIONAL ITEMS ON THE BALLOT NEXT THURSDAY, CORRECT? WE DON'T HAVE TO WAIT AND DO THIS LAST AFTER WE HAVE THE ENTIRE BALLOT FORMULATED, DO WE?

NO, ABSOLUTELY NOT. WE RECOMMEND THAT IT BE DONE FIRST BECAUSE THERE'S PUBLICATION REQUIREMENTS AND TRANSLATION TO SPANISH, ACTUALLY JUST ESTABLISHING THE DATE AND PLACE OF THE ELECTION SHOULD HAPPEN

FIRST. THEN AT -- THE COUNCIL CAN ADOPT ANY NUMBER OF ORDINANCES PLACES THINGS ON THAT BALLOT FOR THE ELECTIONS.

OKAY. THANK YOU.

Mayor Wynn: FURTHER QUESTIONS OR COMMENTS ON NUMBER TWO, THE ITEM REQUIRING THE GENERAL ELECTION TO BE HELD ON MAY 13th, 2006. COUNCILMEMBER ALVAREZ MOVES APPROVAL, SECONDED BY COUNCILMEMBER LEFFINGWELL. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER KIM TEMPORARILY OFF THE DAIS. COUNCIL, NOW WE HAVE ITEMS 3 THROUGH 6 POSTED. I'LL JUST SAY BEFORE WE GET INTO THESE DISCUSSIONS, ITEM NO. 6 -- ITEMS 3, 4, 5 ARE PROPOSED ESSENTIALLY COUNCIL SPONSORED POTENTIAL CHARTER AMENDMENTS. ITEM NO. 6 IS -- IS THE FIRST OF -- WHAT WE BELIEVE TO BE TWO CITIZEN INITIATIVE CHARTER AMENDMENTS. THE SECOND ONE HAS BEEN FILED AND I GUESS MS. GENTRY'S OFFICE IS WORKING THROUGH THE -- THE VALIDATION PROCESS OF THAT. SO WE CAN HAVE THAT DISCUSSION AS WE GET TO NUMBER 6. I'M NOT SO SURE PERHAPS WE HOLD OFF, HAVE THOSE TWO DISCUSSIONS AT THE SAME TIME, BUT WE CAN TAKE UP ITEM NO. 6 AS WE GET TO IT. BUT JUST NOTE THAT THIS ONE IS ON THE AGENDA BECAUSE WE HAVE VALIDATED THE FIRST ONE AND MS. GENTRY, WITH -- I THINK THAT YOU ARE NODDING THAT YOU FULLY ANTICIPATE THE SECOND ONE TO BE VALIDATED IN PLENTY OF TIME TO BE POSTED FOR ACTION NEXT THURSDAY, CORRECT?

THAT'S CORRECT.

SO -- SO A DAY OR TWO AWAY, PERHAPS, ON THAT VALIDATION ROSE FOR YOU?

YES, SIR. I THINK BY TOMORROW WE CAN HAVE IT DONE.

Mayor Wynn: OKAY. THANK YOU. ITEM NO. 3 THEN, LOOKS

LIKE STAFF HAS HELPED US ALONG BY HAVING AT LEAST DRAFT ORDINANCE LANGUAGE IN OUR BACKUP FOR ITEMS 3 THROUGH 6. ITEM NO. 3 WE WILL TAKE UP FIRST IS -- IS APPROVE AN ORDINANCE ORDERING THE ELECTION FOR THE PURPOSE OF SUBMITTING A PROPOSED CHARTER AMENDMENT TO THE VOTERS RELATED TO EMPLOYEE BENEFITS. AND WHAT WE HAVE ON THE DAIS HERE IS -- IS PRETTY STRAIGHTFORWARD. YOU KNOW, ONE PAGE ORDINANCE WITH PROPOSED LANGUAGE FOR STAFF. I WILL OPEN IT UP TO COUNCIL DISCUSSION. COUNCILMEMBER MCCRACKEN?

THIS IS AN ITEM FOR MYSELF AND FROM COUNCILMEMBER DUNKERLY AND COUNCILMEMBER LEFFINGWELL THAT WE'LL RESTORE THE OPPORTUNITY FOR CITY EMPLOYEES TO PURCHASE ADDITIONAL BENEFIT COVERAGE. THAT'S SOMETHING THAT'S CURRENTLY PROHIBITED UNDER THE CITY CHARTER AND SO WE WERE GOING TO MAYBE RESTORE THAT ABILITY FOR CITY EMPLOYEES TO PURCHASE THESE ADDITIONAL BENEFITS. WE -- WE HAVE A RESPONSIBILITY TO BE A GOOD EMPLOYER AND ONE OF THE THINGS THAT WE HAVE LEARNED IS THAT WE HAVE MANY VALUED EMPLOYEES THAT -- IN OUR CITY WORKFORCE WHO HAVE LOVED ONES, WHO -- WHO HAVE HEALTH CRISES AND UNDER OUR CURRENT HEALTH INSURANCE POLICY THEY ARE NOT ABLE TO BUY HEALTH INSURANCE COVERAGE FOR THEIR LOVED ONE. FOR THEIR PARTNERS. SO WHAT WE ARE TRYING TO DO IS -- IS RESTORE THAT OPPORTUNITY TO BE A GOOD EMPLOYER, LOOK OUT FOR OUR FOLKS, WE DO HAVE A RESPONSIBILITY TO LOOK OUT FOR EACH OTHER. WE HAVE RESPONSIBILITY TO BE A GOOD EMPLOYER. THIS WILL HELP US -- HELP US KEEP VALUED EMPLOYEES IN OUR WORKFORCE. AND MAKE SURE THAT THEY HAVE THE SAME PROTECTIONS AND ABILITY TO BUY HEALTH INSURANCE THAT OTHER EMPLOYEES DO.

Mayor Wynn: THANK YOU, COUNCILMEMBER.  
COUNCILMEMBER LEFFINGWELL?

Leffingwell: YES THE AMENDMENT ITSELF IS JUST A STRAIGHT OUT REPEAL OF ARTICLE 9, SECTION 4, WHICH SPELLS OUT WHO THE CITY CAN AND -- CAN GIVE BENEFITS AND WHO THEY CAN'T GIVE BENEFITS TO. SO -- SO STRIKING THIS --

THIS ENTIRE ARTICLE WILL GIVE THE CITY THE ABILITY TO FORMULATE BENEFITS PACKAGE THAT IS FAIR TO ALL OF OUR EMPLOYEES AND ALSO COMPETITIVE IN THE JOB MARKETPLACE. WE WILL NOTE THAT TRAVIS COUNTY HAS A SIMILAR PROGRAM, MANY OTHER CITIES AROUND THE STATE AND NATION HAVE THIS. ALL BUT JUST A HANDFUL OF THE MAJOR CORPORATIONS AND -- IN THE UNITED STATES HAVE PACKAGES THAT ARE -- THAT ADDRESS THE NEEDS OF ALL OF THEIR EMPLOYEES AND WE WANT TO BE ABLE TO DO THE SAME, AGAIN, WE ARE NOT SPELLING OUT A PARTICULAR PACKAGE IN THIS ORDINANCE, WE ARE JUST REMOVING THE LANGUAGE THAT PREVENTS US FROM FORMULATING A PARTICULAR PACKAGE OR ANOTHER. REST ASSURED THAT WHATEVER PACKAGE IS WE DO COME UP WITH IN THE END WILL BE ONE THAT WE CAN AFFORD, DUE CONSIDERATION WILL BE GIVEN TO THAT, BUT WE NEED TO PROCEED IN A FAIR AND COMPETITIVE MANNER.

I DO SUPPORT THE LANGUAGE IN THE CHARTER BANNING A CITY EMPLOYEE'S RIGHT TO PURCHASE ADDITIONAL BENEFICIARY INSURANCE. AGAIN MOST OF THE MAJOR CORPORATIONS IN THIS COMMUNITY OFFER SUCH BENEFITS AS WELL AS THE COUNTY. AT THIS TIME WE -- AS COUNCILMEMBER LEFFINGWELL SAID, WE ARE NOT GOING TO -- GOING TO PRESCRIBE WHAT THAT POLICY WOULD -- PRESCRIBE WHAT THAT POLICY WOULD BE, BUT CERTAINLY MAKE IT AS COST EFFICIENT AS POSSIBLE, POSSIBLY CRAFTED SIMILAR TO THE PLUS ONE PROGRAM THAT THE COUNTY HAS. THAT PARTICULAR PROGRAM ALLOWS THE SPOUSE, A PARTNER OR A RELATIVE, FOR EXAMPLE, LIKE AN AGING PARENT IF YOU HAVE NO OTHER BENEFICIARIES BE ADDED TO -- TO YOUR POLICY AND THAT YOU COULD INDEED PURCHASE BENEFICIARY INSURANCE FOR THEM. I THINK THIS WILL ALLOW US TO CRAFT A FAIR AND COMPETITIVE PACKAGE FOR ALL OF OUR EMPLOYEES.

COUNCILMEMBER KIM.

Kim: WE HAVE A CRISIS IN NOT HAVING ENOUGH HEALTH INSURANCE, NOT HAVING A CRISIS IN THE NUMBER OF HEALTH INSURED IN OUR COMMUNITY. THIS ORDINANCE REPEALING LANGUAGE IN THE CHARTER MAKES IT POSSIBLE FOR THE CITY TO ADOPT POLICIES ON HEALTH INSURANCE

COVERAGE THAT IS FAIR AND THAT WE CAN AFFORD, FOR EMPLOYEES, THAT WE ARE -- THAT WE ARE COMPETITIVE IN OFFERING THE COVERAGE THAT THEY -- AND THEIR DEPENDENTS NEED. SO WE WILL HAVE A DISCUSSION AS TO WHAT THE POLICY WILL BE, WHAT WE CAN AFFORD. RIGHT NOW I -- I SUPPORT THIS ORDINANCE BECAUSE I DO NOT BELIEVE THE LANGUAGE ON THE HEALTH CARE COVERAGE POLICY SHOULD BE IN OUR CHARTER. SHOULD BE A POLICY THAT -- THAT THE COUNCIL CAN ADOPT AND ALSO THAT THE CITY MANAGER CAN IMPLEMENT. >>

Mayor Wynn: THANK YOU FOR THE COMMENTS. WE TECHNICALLY DON'T HAVE ANYONE, ACCORDING TO MY SCREEN, I APOLOGIZE IF THERE'S ANY CONFUSION OR MIXUP WITH THE SIGN UP SYSTEM, TECHNICALLY NO CITIZENS SIGNED UP TO ADDRESS US ON ITEM NO. 3, WHICH IS THIS EMPLOYEE BENEFIT POTENTIAL CHARTER AMENDMENT. I WILL OFFER IT. ANY FOLKS WHO WOULD LIKE TO ADDRESS US ON THIS ITEM? ITEM NO. 3? I WOULD SAY THAT WE HAVE GOTTEN A NUMBER OF E-MAILS AND PHONE CALLS OVER THE LAST, YOU KNOW, COUPLE OF WEEKS AS THIS HAS BEEN FORMULATING. LARGE NUMBER OF PEOPLE ARE IN SUPPORT OF THIS ACTION.

Futrell: MAYOR, MAY I JUST MAKE A NOTE. THIS IS AN ITEM THAT IS OF GREAT IMPORTANCE, I THINK TO THE CITY WORKFORCE. BUT I ALSO WANT YOU TO BE AWARE THAT THIS ITEM COME UP VERY EARLY ON IN THE EMPLOYEE WORKFORCE COMMITTEE AND IT HAS REMAINED AT THE TOP OF THEIR ITEMS AS A PRIORITIZED LIST OF INTEREST TO OUR -- TO OUR WORKFORCE. I APPRECIATE THE ITEM BEING TAKEN UP.

Mayor Wynn: SO TECHNICALLY THE -- THE BACKUP LANGUAGE HERE BEFORE US IN THIS -- FOR THIS ORDINANCE IS -- IS -- STATES PRETTY SIMPLY, SHALL THE CITY CHARTER BE AMENDED TO RESTORE A CITY EMPLOYEE'S ABILITY TO PURCHASE ADDITIONAL BENEFIT COVERAGE BY REPEALING ARTICLE 9, SECTION 4, EMPLOYEE BENEFITS OF THE CITY CHARTER. MR. CITY ATTORNEY, DO YOU STILL THINK THAT'S THE LANGUAGE -- AFTER HEARING THIS DISCUSSION, WHAT I BELIEVE THE -- THE MAJORITY OF US WOULD LIKE TO DO IS TO SIMPLY TAKE THAT PROHIBITION OUTS OF THE CHARTER

-- OUT OF THE CHARTER, THEN ALLOW COUNCIL IN OUR NORMAL H.R. POLICIES AND ANNUAL BUDGET DEBATES TO -- TO -- TO CHOOSE THE PROGRAM THAT WE SEE FIT. MS. GILCHRIST?

MAYOR, COUNCILMEMBERS, THIS LANGUAGE DOES EXACTLY THAT. IT TAKES THE PROVISION OUT OF THE CHARTER AND IT ALLOWS THE CITY COUNCIL TO TAKE WHATEVER ADMINISTRATIVE ACTION IT WANTS TO DO WITH REGARDS TO [INDISCERNIBLE]

IF I CAN ADD A LITTLE, THE LANGUAGE THAT'S IN THE CHARTER NOW WAS ADDED AS A LIMITATION. AND THE LAW DEPARTMENT HAD SEVERAL APPROACHES THAT WE COULD TAKE. HEARING WHAT COUNCIL'S DESIRE MIGHT BE AND THE APPROACH THAT WE ARE ADVISING IS THIS ONE AND THAT HE IS SIMPLY TAKE OUT THE LIMITING LANGUAGE THAT WAS PREVIOUSLY PLACED IN.

Mayor Wynn: THANK YOU. FINAL QUESTION, I KNOW THAT WE HAVE TO START CHOOSING THESE I GUESS. TECHNICALLY IN THE BACKUP IT SHOWS IT AS PROPOSITION 1. MY QUESTION WOULD -- MY INSTINCT RIGHT NOW HERE A WEEK OUT BEFORE WE KNOW THE MAKEUP OF THE ENTIRE BALLOT IS -- I WOULD LIKE TO WAIT TO -- TO, YOU KNOW, SEQUENCE THESE AND -- IN WHATEVER FORM MIGHT MAKE MORE SENSE TO THE MAJORITY OF COUNCIL, IS IT POSSIBLE FOR US TO APPROVE THIS ORDINANCE AND NOT YET NUMBER THE PROPOSITION?

I WILL DEFER TO MS. GILCHRIST.

I BELIEVE THAT AS THE -- AS THE PROPOSITIONS ARE ADOPTED, THEY HAVE BEEN GOING IN NUMERICAL ORDER. BUT LET ME DO SOME QUICK RESEARCH ON THAT. TO CONFIRM MY UNDERSTANDING OF IT. IF COUNCILS ACTS ON THIS, ASSIGNING A PROPOSITION NUMBER TO IT, THERE WILL BE A PROCESS IN THE FUTURE TO DO THAT, ONE WAY OR THE OTHER?

THAT'S WHAT I NEED TO CONFIRM.

THIS ONE HAS TO BE NUMBER ONE BECAUSE OF WHAT YOUR

RESEARCH SHOWS, THERE WILL BE AN ACTION IN THE FUTURE THAT WILL MAKE IT NUMBER ONE EVEN IF COUNCIL DOES NOT AT THIS POINT IN TIME SAY SO?

WHAT WOULD -- COUNCIL'S ACTION TODAY SINCE THIS IS THE FIRST BALLOT PROPOSITION ADOPTED, COUNCIL'S ACTION OF ADOPTING IT WOULD I BELIEVE MAKE A -- MAKE IT PROPOSITION NUMBER 1. SO THAT THEY WILL GO SEQUENTIALLY AS THEY ARE ADOPTED BY COUNCIL.

Mayor Wynn: I GUESS THE QUESTION IS -- THAT'S FINE, A TECHNICAL APPROACH THIS WEEK. BUT WITH POSTING FOR NEXT THURSDAY'S COUNCIL MEETING, CAN THE COUNCIL ESSENTIALLY CHANGE THE ORDER FOR THE ACTUAL BALLOT INDEPENDENT OF THE SEQUENCE THAT WE HAD THIS DISCUSSION?

I CAN'T GIVE YOU A DEFINITIVE ANSWER RIGHT THIS SECOND, BUT I WILL BE ABLE TO SHORTLY.

OKAY.

Mayor Wynn: WELL THEN COUNCIL MY REQUEST OF US WOULD BE THEN IF WE COULD -- IF WE COULD TABLE APPROVAL OF THIS WHILE THAT IS -- WE CAN GO AHEAD AND TAKE UP DISCUSSION OF THESE OTHER THREE OR FOUR. WITHOUT OBJECTION COUNCILMEMBER LEFFINGWELL?

Leffingwell: HAVE WE CLOSED THE PUBLIC HEARING, DO WE NEED TO DO THAT, JUST TABLE IT FOR ACTION ONLY. NEXT WEEK. JUST A QUESTION.

THIS IS NOT A PUBLIC HEARING. THIS IS JUST COUNCIL DISCUSSION.

ORDINARILY ANY CITIZEN HAS THE PRIVILEGE OF SPEAKING ON ANY ACTION ITEM, CORRECT?

Mayor Wynn: SO COUNCILMEMBER MY RECOMMENDATION IS SINCE THIS ISN'T TECHNICALLY POSTED AS A PUBLIC HEARING, BUT WE ALLOW ANY CITIZEN TO SIGN UP FOR ANY ITEM ON THE AGENDA, THEY CAN DO THAT AGAIN FOR NEXT THURSDAY IF THEY -- IF THEY SO -- SO CHOOSE, WITHOUT

OBJECTION, WE WILL TABLE ACTION ON ITEM NO. 3, WE HAVE HAD THAT DISCUSSION, THANK YOU ALL VERY MUCH. WE WILL TAKE UP --

Thomas: MAYOR IF YOU DON'T MIND, IF WE TABLE THIS PARTICULAR ITEM, I DO NEED TO GET INFORMATION FROM THE CITY MANAGER -- EMPLOYEES WAS ON TOP OF THE LIST OF THIS TYPE OF BENEFITS [INDISCERNIBLE], I HAVEN'T SEEN THAT, I NEED TO GET THAT INFORMATION AND ALSO --MENTS YOU SAID THAT -- ALSO YOU SAID THAT WE WERE GOING TO DO THE COSTS COME BUDGET TIME. IF WE APPROVE THIS, IF THE COST IS TOO MUCH, WHAT ARE WE GOING TO DO THEN?

HAVE THE -- IF THE VOTERS APPROVE IT.

I'M GOING TO ASK FOR A SUPPORTER OF THIS PROPOSED ACTION, MAYOR PRO TEM, WHAT WE HAVE DISCUSSED NOW AND WHAT THIS LANGUAGE IS IS SIMPLY REMOVING THE LIMITATIONS IN THE CHARTER. THIS -- JUST WE HAVEN'T HAD THE DISCUSSION YET AS TO WHAT IF ANY ADDITIONAL EMPLOYEE BENEFITS THERE MAY BE. BUT, YOU KNOW, BY ASKING THE VOTERS DO THEY WANT TO -- TO REMOVE THAT LIMITATION OF THE CHARTER, MAY 13th, THEN -- THEN COUNCIL OR I GUESS THE NEXT COUNCIL TECHNICALLY COULD TAKE UP IF THEY CHOOSE COULD TAKE UP THE -- THE ITEM DURING THE NORMAL, YOU KNOW, CITY MANAGER'S PROPOSED BUDGET AND INCLUDES EMPLOYEE BENEFITS. SO -- NO COST INVOLVED YET PER SE OTHER THAN --

Thomas: I UNDERSTAND ALL OF THAT, MAYOR. I'M SAYING WHEN YOU BRING AN ITEM LIKE THIS, YOU ARE ASKING THE CITIZENS TO VOTE ON IT AND THEN WE DON'T HAVE THE ESTIMATE OF WHAT IT MIGHT COST, IF WE ARE ASKING IT, THERE NO PUBLIC HEARING, THAT'S THE COUNCIL'S DECISION TO DO THIS, THAT'S WHAT I AM TALKING ABOUT, WHEN YOU ARE TALKING ABOUT BRINGING THE SALARY. ALSO I'M REALLY WANTING TO KNOW WHAT PROMPTED THREE SPONSORS TO BRING THIS BACK. THE VOTERS DID VOTE ON THIS A LONG TIME AGO. I KNOW THAT AUSTIN HAS CHANGED BUT I WOULD LIKE TO KNOW THAT ALSO BECAUSE -- BECAUSE I THINK WE DID THIS IN '96. TO ME JUST BRINGING THIS BACK UP OVER AND OVER AT -- I DON'T SEE

THE PURPOSE OF IT.

Mayor Wynn: COUNCILMEMBER MCCRACKEN?

McCracken: ONE OF THE THINGS AS PART OF OUR DUE DILIGENCE, THE THREE SPONSORS THAT WE HAVE DONE WAS MET WITH OUR H.R. DEPARTMENT, KATHY RODGERS, WHAT SHE'S INFORMED US OF IS THAT -- THAT -- AS I UNDERSTAND, WE GOT THIS OPINION FROM [INDISCERNIBLE] THE NATIONALLY RECOGNIZED H.R. BENEFITS CONSULTING FIRM. THE COST IF WE WERE IN FACT TO IMPLEMENT THE ABILITY OF EMPLOYEES BY HEALTH INSURANCE COVERAGE, THIS IS PASSED THE COST WOULD BE \$200,000 PER YEAR FOR THE EMPLOYEES AND THEN \$50,000 PER YEAR FOR RETIREES. A SERIOUS EMERGENCY ROOM VISIT RUNS ABOUT \$100,000, SO FOR THE COST OF TWO BASICALLY TWO SERIOUS ROOM VISITS, YOU COULD -- YOU COULD RESTORE THE OPPORTUNITY FOR EMPLOYEES TO BE ABLE TO BUY HEALTH INSURANCE TO PROTECT THEIR LOVED ONES AND TO PROTECT THE -- THEIR HOUSEHOLD BUDGETS. THAT SEEMS LIKE NOT THE RIGHT THING, BUT FAIR THING TO DO, IT MAKES FISCAL SENSE. I WOULD TELL YOU MAYOR PRO TEM THAT FOR INSTANCE I DID RECEIVE AN E-MAIL FROM A CITY -- COUNCILMEMBER LEFFINGWELL AND I DID RECEIVE A CITY, AN E-MAIL FROM A CITY EMPLOYEE. IN FACT I WILL READ IT.

Thomas: ONE CITY EMPLOYEE?

McCracken: MORE THAN ONE, BUT TO GIVE YOU AN EXAMPLE.

Thomas: WHILE YOU ARE DOING THAT, YOU KNOW, IT'S AMAZING BECAUSE -- OUR RETIREES HAVE BEEN CRYING ABOUT HOW HIGH THE INSURANCE IS, WE HAVEN'T ADDRESSED THAT. AND THEN WE ARE BRINGING UP AN ADDITIONAL THAT MIGHT COST A LITTLE BIT. THAT'S JUST MY CONCERN.

McCracken: MAYOR PRO TEM, IT'S -- THIS IS -- I'M NOT GOING TO REVEAL THE NAME, BUT I'M GOING TO -- THIS IS A -- THE SITUATION IS -- COUNCILMEMBER -- COUNCILMEMBER LEFFINGWELL AND MYSELF, I WANTED TO SHARE WITH YOU SOME PERSONAL INSIGHT REGARDING THE DOMESTIC

PARTNER HEALTH PLAN ISSUE THAT WAS RECENTLY IN THE NEWS. I VERY MUCH APPRECIATE THE FACT THAT YOU HAVE BROUGHT THIS UP FOR DISCUSSION. BELOW -- SHE FORWARDED AN E-MAIL SHE PREVIOUSLY SENT TO -- THROUGH THE [INDISCERNIBLE] COMMITTEE. IT SAYS AFTER -- THIS IS AN E-MAIL THAT I SENT AFTER MY PARTNER WAS DIAGNOSED WITH A TUMOR IN OCTOBER. NOT HAVING INSURANCE WE ENDED UP PAYING OUT-OF-POCKET EXPENSES OF OVER \$20,000. THAT OF COURSE DOES NOT INCLUDE THE BENEFIT TIME I TOOK OFF AS WELL AS THE EMOTIONAL STRESS ASSOCIATED WITH COMING UP WITH THAT KIND OF MONEY. I'M A HARD WORK, LOYAL CITY EMPLOYEE. MAKE NO MISTAKE ABOUT IT, THE CITY OF AUSTIN HAS BEEN GOOD TO ME. I WORKED THROUGH THE NO PAY RAISE YEARS, NOT ASKING FOR ANYTHING FREE. AFTER ALL I WILL BE PAYING THE SAME AS OTHERS PAY FOR THEIR SPOUSE AND DEPENDENT HEALTH COVERAGE. PLEASE KEEP IN MIND THERE ARE PROBABLY MANY OTHERS IN MY POSITION THAT FALL INTO THE CRACKS LACKING HEALTH CARE COVERAGE FOR FAMILY MEMBERS DUE TO THE CITY OF AUSTIN LACKING DOMESTIC HEALTH CARE COVERAGE. I HOPE THAT YOU ARE SUCCESSFUL IN YOUR ENDEAVOR TO SEE THAT ALL FAMILIES ARE TREATED EQUALLY WHEN IT COMES TO HEALTH CARE COVERAGE. SO YOU KNOW WE HAVE IN THIS CASE A HARD WORKING LOYAL CITY EMPLOYEE WHO -- WHO FOUND -- THEY TOOK A \$25,000 HOUSEHOLD BUDGET HIT LAST YEAR AND HER PARTNER HAD -- HAD A TUMOR THAT -- THAT IF SHE HAD HEALTH INSURANCE COULD HAVE GOTTEN EARLIER AND BETTER HEALTH CARE TREATMENT COVERAGE. ALL THAT SHE'S ASKING TO DO IS BUY IT, PAY FOR IT. SHE'S NOT ASKING FOR ANYTHING FREE. ASKING FOR THE SAME THING THAT EVERYBODY ELSE HAS THE OPPORTUNITY TO BUY TO. SO WE GOT REAL FOLKS IN OUR WORKFORCE, GETTING FINANCIALLY SOCKED, HAVING LOVED ONES FINDING THAT THE LACK OF HEALTH CARE COVERAGE IS, YOU KNOW, ENDANGERING LIVES AND PUTTING A LOT OF STRESS AND HEALTH RISK IN THEIR FAMILIES. WE CAN ALL RELATE TO SITUATIONS WHERE FAMILY MEMBERS OR LOVED ONE DOESN'T HAVE HEALTH COVERAGE AND IT -- IT KILLS YOUR FAMILY BUDGET, PUTS YOUR LOVED ONE'S HEALTH AT RISK. SO WE JUST WANT TO BE GOOD EMPLOYERS, BE FAIR AND

RESPONSIBLE WITH OUR FOLKS AND KEEP OUR VALUED CITY EMPLOYEES AND MAKE SURE THAT THEY HAVE THE OPPORTUNITY TO BUY THIS HEALTH INSURANCE COVERAGE.

THANK YOU, COUNCILMEMBER. MS. GILCHRIST, I BELIEVE, RESEARCHED THE QUESTION THAT I HAD ABOUT THE SEQUENCE, I WILL LET HER GIVE US THIS ANSWER, BUT SHE'S HERE. BASED ON WHAT -- WHAT I BELIEVE SHE JUST TOLD CITY ATTORNEY DAVID SMITH, IS IN FACT IT DOES -- THE SCWEEPS SEQUENCE THAT WE WERE TO APPROVE THESE ORDINANCES WITH WOULD BE THE SEQUENCE THAT THEY WOULD APPROVE ON -- THAT THEY WOULD APPEAR ON THE BALLOT. BASED ON THAT, MY REQUEST -- THERE SHE IS. MS. GILCHRIST, WELCOME BACK.

THANK YOU, MAYOR. IN DOING FURTHER RESEARCH, THE ELECTION CODE SPECIFICALLY PROVIDES THAT THE AUTHORITY ORDERING AN ELECTION ON WHICH MORE THAN ONE MEASURE CAN BE VOTED ON SHALL DETERMINE THE ORDER. SO I BELIEVE THAT WE COULD OPT PROPOSITIONS THIS WEEK, COULD ADOPT PROPOSITIONS THIS WEEK, NEXT WEEK ADOPT AN ORDINANCE THAT NUMBERS THE PROPOSITIONS. AS APPROPRIATE.

Mayor Wynn: THANK YOU, THAT'S GOOD NEWS I THINK. BASED ON THAT, MS. GILCHRIST, IF IT'S -- SO THEREFORE IT'S -- IT'S IRRELEVANT THAT IN OUR BACKUP THE DRAFT ORDINANCE SHOWS THIS AS PROPOSITION 1. WE COULD SIMPLY AS PART OF A POSTED SINGLE ITEM NEXT WEEK RENUMBER THE PROPOSITIONS.

THE DRAFT ORDINANCE COULD I SEELY BE AMENDED BEFORE IT'S SIGNED -- EASILY BE AMENDED, AMEND PART 2 TO SAY IF THIS PROPOSITION IS APPROVED BY THE VOTERS, BECAUSE IF YOU LOOK AT PART 2 IT SAYS IF PROPOSITION 1 IS APPROVED. SO WE CAN JUST AMEND IT THAT WAY.

Mayor Wynn: YES, THANK YOU VERY MUCH.

IF COUNCIL DIRECTS US TO.

Mayor Wynn: OKAY, COUNCILMEMBER LEFFINGWELL.

Leffingwell: I WANT TO RESPOND TO THE MAYOR PRO TEM, ALSO. JUST REPEATING MYSELF AGAIN, THIS PARTICULAR CHARTER AMENDMENT DOES NOT PRECLUDE IMPROVING THE PACKAGE FOR RETIREES. ALL IT DOES IS REMOVE RESTRICTIONS ON THE CITY ADMINISTRATIVELY FORMING A BENEFITS PACKAGE THAT IS AFFORDABLE TO THE CITY AND IS FAIR TO ALL EMPLOYEES, INCLUDING RETIREES.

Mayor Wynn: THANKS THANK YOU COUNCILMEMBER. BASED ON MS. GILCHRIST'S RESEARCH, THERE BEING NO CITIZENS TO TO ADDRESS US ON THIS ISSUE, I WOULD ENTERTAIN A MOTION ON ITEM NO. 3. MOTION MADE BY COUNCILMEMBER MCCRACKEN. SECONDED BY COUNCILMEMBER LEFFINGWELL TO APPROVE ITEM NO. 3, AN ORDINANCE ORDERING ELECTION FOR SUBMITTING A PROPOSED CHARTER AMENDMENT TO VOTERS RELATING TO EMPLOYEE BENEFITS AS DISCUSSED OF THE FURTHER COMMENTS? COUNCILMEMBER ALVAREZ?

Alvarez: THANKS, MAYOR. I WILL BE SUPPORT BEING THE AMENDMENT, I WANT TO -- SUPPORTING THE AMENDMENT. I WANT TO THANK THE SPONSORS FOR BRINGING IT FORWARD. THIS IS A SITUATION WHERE YOU HAVE A REQUIREMENT OR CHARTER THAT -- THAT ASKS THE CITY TO TREAT PERSONS WHO ARE SIMILARLY SITUATED IN A DIFFERENT WAY. I THINK THE EXAMPLE THAT COUNCILMEMBER MCCRACKEN RAISED I THINK WAS -- WAS A VERY GOOD ILLUSTRATION OF HOW, YOU KNOW, A TRADITIONAL COUPLE COULD -- COULD HAVE BENEFITED FROM -- FROM A PARTICULAR ITEM IN THE BENEFITS PACKAGE. BUT JUST BECAUSE THEY HAPPEN TO BE A SAME SEX COUPLE AND THEY DON'T GET THAT BENEFIT AND I PERSONALLY BELIEVE THAT THAT IS SORT OF THE EPITOME OF UNEQUAL TREATMENT UNDER THE LAW. SO I DO THINK THAT IT'S IMPORTANT THAT WE -- THAT WE AT LEAST TRY TO -- TO -- TRY TO CORRECT OR ADDRESS THAT SITUATION. AND ALSO AGAIN THE -- THE WHOLE ISSUE OF HAVING SOMETHING IN YOUR CHARTER THAT ADDRESSES -- ADDRESSES EMPLOYEE BENEFITS I THINK IS ALSO PROBLEMATIC. I BELIEVE OUR CHARTER IS OUR CONSTITUTION. SO -- SO WHAT IT SHOULD DO IS SPELL OUT WHAT THE -- WHAT SPECIFIC RIGHTS WE ALL HAVE. TO A CERTAIN DEGREE I THINK THIS PARTICULAR ITEM GOES

COUNTER TO WHAT I BELIEVE SHOULD BE -- SHOULD BE -- SHOULD BE INCLUDED, YOU KNOW, WITHIN OUR CHARTER, LEAVE THIS MORE TOWARD THE ADMINISTRATION DUTIES OF, YOU KNOW, CITY MANAGEMENT. THANKS, MAYOR.

Mayor Wynn: THANK YOU, COUNCILMEMBER. SO WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE ITEM NO. 3.

MAYOR IF I COULD SEEK CLARIFICATION, DOES THE MOTION ALSO INCLUDE STRIKING PROPOSITION 1 AND AMENDING PART 2 TO SAY IN THIS PROPOSITION IS APPROVED?

IT DOES.

Mayor Wynn: THAT WAS THE INTENT OF THE MAKERS, YES, THANK YOU. FURTHER COMMENTS? MAYOR PRO TEM?

Thomas: YES. I WILL PROBABLY BE THE ONLY ONE ON THE DIE CROSS THAT WON'T SUPPORT IT. THERE'S TWO REASONS THAT I WON'T BE SUPPORTING IT. NUMBER ONE, I THINK TO BE FAIR, IF WE ARE GOING TO BRING BACK AN AMENDMENT THAT HAS BEEN VOTED DOWN BY THE CITIZENS, I THINK WE NEED TO GO AND LOOK AT MORE DETAIL THAN WE DID. ALSO THE COST, THE POSSIBILITY OF WHAT IT'S GOING TO COST. BUT ALSO THERE'S CERTAIN THINGS THAT -- THAT I CANNOT SUPPORT. I THINK EVERYBODY ON THIS COUNCIL KNOWS HOW I FEEL ABOUT IT WHEN IT COMES TO SAME SEX MARRIAGE. I FEEL THAT EVERYBODY DOES DESERVE HEALTH INSURANCE, BUT THERE'S ALWAYS OTHER WAYS OF PROVIDING THAT HEALTH INSURANCE. ALSO THERE'S A LOT OF PEOPLE THAT IN THE SAME SITUATION, NOT JUST CITY COMPLEERKS WITHOUT INSURANCE AND DO SURVIVE IN THIS SOCIETY. I THINK WE NEED TO STAND FOR SOMETHING. I JUST CAN'T, ESPECIALLY I'M THE ONLY ONE ON PROPOSITION 2 SUPPORT IT, I CAN'T COME BACK AND THEN SUPPORT SOMETHING THAT -- THAT IS A CONTRADICTION WITH WHAT PROPOSITION 2 STAND FOR. I WILL NOT BE SUPPORTING THIS AMENDMENT.

Mayor Wynn: THANK YOU, MAYOR PRO TEM, FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE

SAY AYE.

AYE.

Wynn: OPPOSED?

NO.

Mayor Wynn: MOTION PASSES ON A VOTE OF 6-1 WITH THE MAYOR PRO TEM VOTING NO. THAT TAKES US TO ITEM 4 APPROVE AN ORDINANCE ORDERING AN ELECTION FOR THE PURPOSE OF SUBMITTING A PROPOSED CHARTER AMENDMENT TO THE VOTERS REPRESENTED TO CAMPAIGN FINANCE AND I'LL -- I'LL NOTE THAT WE HAVE A HANDFUL OF CITIZENS WHO SIGNED UP WISHING TO SPEAK ON THIS ITEM, BUT WILL -- WILL WELCOME A BRIEF PERHAPS SUMMARY PRESENTATION BY ONE OF THE SPONSORS. COUNCILMEMBER DUNKERLY OR -- THANK YOU.

Dunkerly: THIS PARTICULAR PROPOSED CHARTER AMENDMENT WOULD CHANGE THE -- THE CAMPAIGN FINANCE RULES AND -- IN BASICALLY FOUR WAYS. FIRST, IT WOULD INCREASE THE CONTRIBUTIONS THAT CAN BE MADE TO AN AN INDIVIDUAL FROM \$100 TO \$300 AND THAT WOULD BE INDEXED WITH -- TO INFLATION. IN ADDITION TO THAT, IT LIMITS -- THE LIMITS ON -- ON CONTRIBUTIONS MADE FROM OUTSIDE THE CITY LIMITS, WOULD BE RAISED TO \$30,000 FROM THE CURRENT 15 AND FOR A RUNOFF TO 20 VERSUS 10. WE HAD MANY VOTERS AND MANY PEOPLE WHO LIVE JUST OUTSIDE OF OUR CITY LIMITS IN OUR E.T.J. THAT EITHER OWN BUSINESSES IN AUSTIN OR WORK IN AUSTIN, THEY HAVE AN INTEREST IN CONTRIBUTING TO -- TO THE CITY ELECTION CAMPAIGNS. AND I BELIEVE THIS -- THIS WOULD BE AN OPPORTUNITY TO CORRECT THAT INEQUITY AS FAR AS THE -- AS FAR AS THE ACTUAL BOUNDARY LINES ARE CONCERNED. THE THIRD ITEM ACTUALLY RELATES TO TRYING TO DETERMINE WHERE THE BOUNDARY LINES ARE FOR THE CITY ELECTIONS. IT'S VERY DIFFICULT SOMETIMES WHEN YOU GET A CHECK THAT HAS JUST CITY OF AUSTIN ADDRESS BECAUSE MANY OF THE AUSTIN ADDRESSES ACTUALLY ARE IN OTHER VOTING JURISDICTIONS. MANY ZIP CODES HAVE MORE THAN ONE VOTING JURISDICTIONS IN THEM. WHAT THIS ORDINANCE WOULD DO IS DEFINE THE

CITY LIMITS FOR PURPOSES OF CONTRIBUTIONS FOR -- FOR CAMPAIGNS TO -- TO ALL OF THOSE ZIP CODES THAT HAVE SOME PORTION OF THE CITY OF AUSTIN IN THEM. THAT WOULD BE A VERY EASY WAY FOR THE CANDIDATES TO DETERMINE WHETHER OR NOT THAT CONTRIBUTION NEEDS TO BE APPLIED TOWARDS IN CITY OR OUT OF CITY CONTRIBUTIONS. IN ADDITION TO THIS, IT WOULD ALLOW CANDIDATES LIKE OTHER ELECTED OFFICIALS, THROUGHOUT THE CITY, THROUGHOUT THE STATE, TO HAVE OFFICE HOLDER ACCOUNTS OF UP TO \$20,000, IN MY CASE THAT IS NEVER A PROBLEM, MINE IS STILL NEGATIVE. I THINK IN THE FUTURE THAT IT MIGHT BE POSSIBLE TO DO THIS. THIS WOULD PUT US MORE IN LINE WITH OTHER JURISDICTIONS. SO BRIEFLY THOSE ARE THE -- I THINK THE KEY ELEMENTS IN THIS PROPOSAL THAT WE HAVE FOR YOU TODAY. I WOULD LIKE TO SEE IF MY COLLEAGUES WOULD LIKE TO ADD ANYTHING THAT I HAVE MISSED.

THANK YOU, COUNCILMEMBER. COUNCILMEMBER LEFFINGWELL?

QUICKLY, I WOULD LIKE FOR POINT OUT BY COMPARISON, COMPARING APPLES TO APPLES, CITY-WIDE RACES, LARGE CITIES IN TEXAS, IN SAN ANTONIO THE MAYOR, WHICH IS THE ONLY CITY-WIDE CITY OFFICIAL IS ALLOWED TO COLLECT INDIVIDUAL CONTRIBUTIONS OF UP TO ONE THOUSAND DOLLARS. SIMILARLY IN HOUSTON, CITY-WIDE ELECTIONS FOR THE MAYOR, HE OR SHE IS ALLOWED TO COLLECT UP TO \$5,000 SO -- SO EVEN IF -- EVEN AT \$300, WE ARE STILL WELL OUT OF THE RACE HERE FOR -- FOR BEING -- WE ARE NOT SETTING ANY PRECEDENT HERE BY RAISE THING CONTRIBUTION FROM ONE TO 300. IT'S STILL VERY SMALL. NOBODY'S VOTE CAN BE BOUGHT FOR \$300.

Mayor Wynn: COMEARK? >>COUNCILMEMBER MCCRACKEN? SNOOL.

McCracken: AS YOU WILL HEAR FROM SOME OF THE SPEAKERS, COUNCILMEMBER DUNKERLY AND COUNCILMEMBER LEFFINGWELL AND I HAVE BEEN MEETING FOR SEVERAL WEEKS WITH SOME OF OUR REALLY TALENTED ADVOCATES FOR GOOD, CLEAN GOVERNMENT IN COMING UP WITH WHAT WE HAVE BEFORE US TODAY. WE

HAVE A -- I BELIEVE THAT THE CHARTER AMENDMENT THAT WAS PASSED IN 1997 IS A FUNDAMENTALLY SOUND APPROACH. I THINK THAT IT HAS BEEN GOOD FOR -- FOR THE POLITICAL CULTURE IN THIS CITY. IN PARTICULAR IT'S BEEN GOOD BECAUSE WE DO NOT ENGAGE IN FUNDRAISER WHILE WE ARE IN OFFICE. IT'S ONLY IN THAT SIX MONTH WINDOW BEFORE AN ELECTION. THAT IS A GOOD SYSTEM. I ALSO BELIEVE THAT CONTRIBUTION LIMITS AT A REASON LEVEL IS ALSO A GOOD SYSTEM. WHAT WE HAVE FOUND IS THAT SINCE 1997 THERE'S BEEN INFLATION, MULTIPLE POSTAGE RATE INCREASES. ALSO BEEN, YOU KNOW, RENT INCREASES. COST OF LIVING HAS GONE UP. YOU KNOW, THE COST OF IMLEEN GASOLINE HAS GONE UP, RENT, THINGS LIKE THAT. TELEVISION TIME IS CONSIDERABLY MORE EXPENSIVE BECAUSE OUR METRO AREA IS BIGGER NOW. WHAT WE HAVE DONE IS PROVIDED FOR A ONE-TIME ADJUSTMENT UP TO 100, \$300, WE HAVE ALSO -- IN THE FUTURE IT WILL BE INDEXED FOR INFLATION, THE SAME FORMULA THAT WE USE TO INDEX THE CITY MANAGER'S AUTHORITY TO -- SPENDING AUTHORITY WITHOUT COUNCIL. WE ALREADY HAVE A MECHANISM IN PLACE IN THE CITY TO INDEX OTHER ITEMS FOR INFLATION. SO -- SO FINALLY THE -- THE MAIN THING THAT WE HAVE WORKED WITH ON THE ZIP CODE APPROACH IS THAT IT'S JUST ALMOST ADMINISTRATIVELY IMPOSSIBLE TO OPERATE UNDER THE CURRENT SYSTEM OF TRYING TO DETERMINE WHETHER ONE STREET NUMBER IS -- IS, YOU KNOW, IS WITHIN THE CITY LIMITS WHEN THE ONE NEXT DOOR IS NOT. SO WHAT WE HAVE -- IN WORKING OUT WITH THE -- WITH SOME PEOPLE I RESPECT A LOT. WHO HAVE HELPED US ON THIS, TAKEN THE ZIP CODE APPROACH SO UNION FROM 78733, YOU DON'T HAVE TO, YOU KNOW, TRY TO GO THROUGH EXHAUSTIVE RESEARCH TO FIND OUT WHETHER IT IS IN OR WITHOUT THE CITY LIMITS. IT DOES MAINTAIN A AN APPROACH, I THINK THAT IT IS A GOOD ONE, THE -- SHOULD COME FROM THE PEOPLE IN AUSTIN. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

I HAVE BEEN INVOLVED IN FINANCING CAMPAIGN ACTIVITIES IN THE AUSTIN AREA. I HAVEN'T BEEN ABLE TO EXAMINE A COPY OF THE PROPOSAL, SO MY COMMENTS ARE BASED ON MOSTLY WHATEVER I'VE READ AND THE NEWS. I'D LIKE TO

MAKE THREE POINTS. FIRST, CLARITY AND SIMPLICITY SHOULD BE THE GOAL. CURRENTLY LARGE DONORS CAN'T CONTRIBUTE TO CANDIDATES DIRECTLY, SO THEIR MONEY GETS DIVERTED INTO PAC'S, WHICH MAKE DIRECT EXPENDITURES. THAT SITUATION IS COMPLICATED AND MURKY AND MAKES IT HARD FOR THE VOTING PUBLIC TO FOLLOW THE MONEY. THE MORE YOU ALLOW THE CANDIDATES TO RAISE AND SPEND MONEY THEMSELVES, THE LESS INCENTIVE THERE IS TO USE THESE MISLEADING TECHNIQUES. I THINK RAISING THE CONTRIBUTION LIMITS FROM \$100 TO \$300 IS GOOD. SECOND, I RECOMMEND THAT YOU DO NOT CHANGE THE TERRITORIAL LIMIT WATER AND WASTEWATER A ZIP CODE SYSTEM THAT WOULD ALLOW UNLIMITED CONTRIBUTIONS FROM THE WEALTHY RESIDENTS OF THE SMALL CITIES SURROUNDING AUSTIN LIKE ROLLINGWOOD AND WESTLAKE HILLS AND THAT WOULD ALLOW NON-AUSTINITES TO HEAVILY SWAY AN ELECTION. I DON'T PERSONALLY CARE ABOUT IT, BUT A LOT OF AUSTIN VOTERS WON'T LIKE IT AND IT MAY DOOM THE AMENDMENT. I WILL ADD THAT CHECKING RESIDENCY IS NOT IMPOSSIBLE. I DID IT FOR ALL OF YOU WITH A COUPLE OF DAYS' WORK. THIRD I'M CONCERNED ABOUT ENFORCEABILITY. FOR EXAMPLE, THE CHARTER CURRENTLY LIMITS CANDIDATES TO \$15,000 IN CONTRIBUTIONS FROM NON-AUSTIN VOTERS. NEVERTHELESS IN YOUR LAST ELECTION, SIX OF YOU GREATLY EXCEEDED THAT LIMIT. ONLY MAYOR PRO TEM THOMAS DID NOT. I WANT TO COMMEND COUNCILMEMBER DUNKERLEY FOR BEING THE ONLY COUNCILMEMBER TO RETURN THE EXCESS MONEY TO HER CONTRIBUTORS. THE CHARTER SAYS THAT YOU HAVE FORFEITED YOUR OFFICES BY VIOLATING THAT LIMIT. YOU'RE ALL STILL SITTING ON THE DAIS, SO APPARENTLY THAT PROVISION OF THE CHARTER IS UNENFORCEABLE. I'M CONCERNED THAT THIS PROPOSAL WILL STILL CONTAIN UNENFORCEABLE PROVISIONS. I ENCOURAGE YOU TO BACK UP THE NEW AMENDMENT BYPASSING IN ADVANCE ORDINANCES THAT WILL ENFORCE IT. IT'S BAD TO HAVE UNENFORCEABLE RULES ON THE BOOKS. THANK YOU.

THANK YOU. NEXT SPEAKER IS WEST BENEDICT. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY KIRK BECKER.

THANK YOU, COUNCIL, MAYOR. MY NAME IS WES BENEDICT, I WAS A RECENT CANDIDATE FOR AUSTIN CITY COUNCIL, AND I JUST WANT TO TELL YOU WHAT I THINK ABOUT THIS PROPOSAL. I THINK RAISING THE CONTRIBUTION LIMITS FROM \$100 TO \$300 IS A GOOD THING. THE 100-DOLLAR LIMIT IS TOO RESTRICTIVE. WE'VE SEEN LOTS OF EVIDENCE THAT THE 100-DOLLAR LIMIT PUTS ENORMOUS PRESSURE ON MONEY TO FIND WAYS AROUND THOSE LIMITS, INTO PAC'S AND OTHER ORGANIZATIONS THAT MAKES IT HARDER FOR VOTERS TO SEE WHERE THE MONEY IS COMING FROM. ADDITIONALLY THE ENFORCEABILITY IS UNCERTAIN FOR MANY OF THE EXISTING CHARTER PROVISIONS. THAT SETS UP A SITUATION WHERE THOSE WHO FOLLOW THE RULES MAY PENALIZE THEMSELVES WHEREAS THOSE WHO RISK IGNORING THE RULES MAY COME OUT AHEAD. IT ALSO PUTS TOO MUCH POWER IN THE HANDS OF ENTRENCHED CAMPAIGN CONSULTANTS LIKE MARK NATHAN, MARK LITTLEFIELD AND DAVID BUTTS. THEIR EXPERIENCE LETS THEM ADVISE CANDIDATES ON WHICH RULES CANDIDATES MIGHT GET AWAY WITH BREAKING. THE ONLY WAY TO REDUCE THE INFLUENCE OF MONEY ON POLITICS IS FOR GOVERNMENT TO GET OUT OF THE BUSINESS OF MICROMANAGING SO MANY ASPECTS OF OUR LIVES. ULYSSES GRANT ONCE SAID I NO LONGER KNOW HOW TO I HAVEN'T HAD TIME TO SUFFICIENTLY ANALYZE ALL THE OTHER ITEMS IN THIS CHARTER AMENDMENT; HOWEVER, IF IT LOOKS CLEAN ENOUGH OVERALL, I'LL TRY TO HELP VOTERS UNDERSTAND THAT THEY DID MAKE A MISTAKE IN 1997. THEY GOT A LITTLE TOO OVERZEALOUS. WE'VE SEEN THE CONSEQUENCES AND IT'S TIME TO MAKE SOME ADJUSTMENTS. I DON'T THINK RAISING THE LIMIT WILL GIVE ONE SIDE AN ADVANTAGE OVER ANOTHER. RAISING THE LIMIT FROM \$100 TO \$300 WILL PROVIDE MORE OPEN AND HONEST ELECTIONS. THANK YOU.

THANK YOU, MR. BENEDICT. KIRK BUCKER. I SAW HIM EARLIER. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY TOM SMITH.

I DIDN'T TAKE TIME TO WRITE THIS OUT. THIS IS A LINDA CURTIS INITIATIVE. SHE WILL BE FOREVER PRAISED FOR DOING SOMETHING AND FOREVER CONDEMNED FOR NOT DOING IT RIGHT. IT'S ALWAYS BEEN FELT THAT THE LIMITS

WERE TOO LOW. THIS ITEM DOESN'T SPECIFY THE ORIGINAL PROBLEM AND TRY TO SOLVE THAT PROBLEM, IT JUST TRIES TO FIX A BROKEN FIX. FIRST, WHAT IS THE PROBLEM? IS THERE EVEN A PROBLEM? WHY CAMPAIGN FINANCE LIMITS IN THE FIRST PLACE? WE ASK YOU FOR DETAILS AND Y'ALL SAY NOT ME, I DON'T KNOW ANYTHING ABOUT IT, SOMEBODY ELSE, GO ASK HIM. YOU SAY THERE'S REALLY NOTHING WRONG, IT JUST TAKES TOO LONG TO DO TOO MUCH OF IT. MAYBE IT'S TOO MUCH TO ASK YOU FOR CONFESSIONS, BUT YOU COULD AT LEAST DO A BETTER JOB OF DESCRIBING THE CRIME. THE FIRST THING I'D LIKE TO SEE IS A BUDGET. HOW MUCH DOES IT COST, SPENT ON WHAT, TO RUN A VIABLE CAMPAIGN? THE PAPER SAYS IS COSTS \$40,000 FOR A CITYWIDE MAILING, BUT IF YOU PAID 5,000 TO SOME CAMPAIGN CONSULTANT, MAYBE YOU COULD TRIM THAT DOWN TO 20,000. WHAT DOES IT COST TO RUN A VIABLE CAMPAIGN? WELL, YOU NEED A CANDIDATE, OKAY? YOU NEED AN OFFICE, A PHONE AND A CAR. YOU MAKE CAMPAIGN SIGNS OUT OF CARDBOARD AND OLD PAL LOTS, BUT IF YOU HAVE TO TAKE THE BUS TO PUT IT UP, IT TAKES HALF A DAY. YOU NEED A CAR TO RUN A CAMPAIGN. YOU NEED AN OFFICE. WHAT'S THE DIFFERENCE BETWEEN USING A DONATED OFFICE OR HAVING SOMEBODY GIVE YOU A BIG CONTRIBUTION TO PAY FOR ONE. IF YOU DONATED OFFICE SPACE, YOU HAVE TO MOVE EVERY THREE DAYS JUST TO STAY WITHIN THE CAMPAIGN LIMITS? I'D ALSO LIKE TO SEE A CHART OF DONORS AND THE AMOUNTS, LIKE A BAR GRAPH. MAYBE THE PROBLEM ISN'T JUST LOW LIMITS, IT'S JUST NOT ENOUGH PEOPLE DONATING. I WAS IN THE CITY CLERK'S OFFICE ONCE AND JENNIFER GALE WAS GOING THROUGH KIRK WATSON'S CAMPAIGN REPORTS AND JUST PAGE AFTER PAGE AFTER PAGE OF 5,000-DOLLAR CONTRIBUTIONS. I DON'T THINK ONE OR TWO CONTRIBUTIONS OF FIVE THOUSAND DOLLARS A POP, BUT IT WAS PAGE AFTER PAGE AFTER PAGE OF IT THAT NOBODY CAN COMPETE AGAINST. I DON'T THINK YOU SHOULD INDEX THIS. YOU THINK YOU GOT IT RIGHT THIS TIME AND THEN WE HAVE TO REVIEW IT AGAIN. I DON'T THINK THAT'S APPROPRIATE. THAT WOULD HOLD RENTS DOWN SO WE DON'T HAVE SO MUCH INFLATION. TOTAL LIMITS, THEY PUT THAT THE FIRST TIME. THE SECOND TIME YOU GET TO RUN, GIVE THE VOTERS A CHANCE TO THROW YOU OUT. BUT IF YOU GET EA LOCATED TWICE, YOU

SHOULD GET A THIRD TERM BECAUSE YOU EARNED IT. AND JUST GIVE DIFFERENT VIEWPOINTS A CHANCE TO PARTICIPANT. I'D RECOMMEND THAT AT LEAST ONE STAFF PERSON IN THE OFFICE, WHATEVER THOSE COSTS, BE EXEMPT FROM CAMPAIGN LIMITS. IF SOMEBODY GIVES FIVE THOUSAND DOLLARS, IT'S NOT AS MUCH TO SOMEBODY WHO HAS A DOWNTOWN CONDO AS IT IS TO SOMEBODY LIKE ME. AND I THINK YOU OUGHT TO HAVE A COUPLE -- LET PEOPLE GET A COUPLE OF BIG CONTRIBUTIONS. [ BUZZER SOUNDS ] AND THE OTHER THING IS THE PUBLIC FINANCING, I THINK YOU SHOULD REVISE THAT TOO. THE CONCERN IS SOMEBODY LIKE ME HOLDING A BEER BASH IN ZILKER WITH A PUBLIC FUNDS. YOU HAVE MATCHING FUNDS. DON'T MATCH THE FIRST THOUSAND OR DON'T MATCH THE FIRST 500, THAT KEEPS THE MINOR PEOPLE LIKE ME AND JENNIFER GALE FROM GETTING A BIG CHUNK OF PUBLIC MONEY. AND THE OTHER THING IS ONLY ALLOW IT ON MEDIA, ONLY POSITIVE, ONLY ABOUT THE CANDIDATE THEMSELVES AND ONLY ABOUT THE FUTURE. AND YOU WILL STILL GET SOME PEOPLE, SAYING I PLEDGE TO AVOID ALL THE DUMB LISTS AND A LIST OF THE OTHER CANDIDATES' ISSUES, BUT I THINK IT WOULD STILL IMPROVE THE TONE OF THE ELECTIONS. AND I'D LIKE YOU -- I'D LIKE THOSE CHANGES TO THIS. AND IF WE VISIT THE TERM LIMITS IN THE PUBLIC FINANCING, MAKE THEM EXEMPT TOO. >>

Mayor Wynn: THANK YOU. TOM SMITH? WELCOME BACK, TOM. YOU WILL HAVE THREE MINUTES AND PROBABLY BE PREPARED TO ANSWER IN SOME QUESTIONS IF YOU DON'T MIND.

MAYOR, MEMBERS OF COUNCIL, MY NAME IS TOM SMITH, BETTER KNOWN AS SMITTY. I'M A MEMBER OF PUBLIC CITIZENS OFFICE AND I'M PLEASED TO BE HERE TODAY. WE ARE GENERALLY IN FAVOR OF PROPOSITION NUMBER 4. WHEN IT WAS PASSED ORIGINALLY AS A CAMPAIGN FOR A LITTLE LESS CORRUPTION, WHAT ENDED UP HAPPENING IS WE HAD A LITTLE BIT TOO LITTLE MONEY TO REALLY BE ABLE TO GET CAMPAIGN MESSAGES OUT TO THE PEOPLE WHO NEED TO HEAR IT. AND AS INFLATION HAS OCCURRED AND AS OUR EXPERIENCE WITH THE ORDINANCE THAT WAS PASSED -- THE CHARTER AMENDMENT WAS PASSED, WE REALIZED THAT WE HAD THE UNINTENDED AFFECT OF

REALLY STRANGLING THE ABILITY OF PEOPLE TO WAGE CAMPAIGNS THAT MEANT SOMETHING, THAT REALLY GOT THE MESSAGE OUT TO PEOPLE. AND WE THINK IT'S APPROPRIATE TO INCREASE THE LIMITS. WE LIKE THE IDEA OF INDEXING IT BECAUSE AS TIMES HAVE GONE ON, THE AMOUNT OF MONEY THAT WE THOUGHT WAS REASONABLE NO LONGER MEETS THE NEEDS. AND I THINK THAT'S IMPORTANT. ONE OF THE CONCERNS THAT I THINK WE HAVE IS THAT AS OUR EXPERIENCE WITH THIS ORDINANCE HAS KICKED IN AND HAS REALLY -- WE HAVE CREATED SOME UNINTENDED LOOPHOLES, A SIGNIFICANT AMOUNT OF MONEY IS GOING, AS ONE OF MY PREDECESSORS SAID, TO PAC'S. ONE OF THE THINGS WE WOULD LIKE YOU TO DO IS POSTPONE ACTION ON THIS ITEM FOR ONE WEEK TO HAVE A DISCUSSION ABOUT THAT PARTICULAR PROVISION. I SAID NO, NO, YOU'VE GOT IT WRONG. THE IDEA IS WE WANT TO HAVE PEOPLE HAVE THE INDEPENDENCE TO GATHER INFORMATION, TO USE -- TO HAVE THE ABILITY TO USE FUNDS THAT ARE CAMPAIGN CONTRIBUTIONS OR SOME OFFICE HOLDER FUNDS TO PAY FOR THEIR LEGITIMATE EXPENSES IN HOLDING OFFICE. AND THERE ARE LOTS OF THEM. AND WE THINK THRA OUGHT TO BE A SMALL AMOUNT OF MONEY, \$20,000 OVER THE TERM, THAT COULD BE UTILIZED TO PAY FOR LEGITIMATE EXPENSES OF BEING IN OFFICE. HOWEVER, ONE OF THE OTHER THINGS WE DON'T HAVE AT THE SAME TIME IS AN ORDINANCE THAT WOULD LIMIT WHAT THAT CAN BE SPENT ON. AND RECENT REVELATIONS ABOUT HIGH SPENDING, STATE LAYERS AND STATE HOUSE MEMBERS AND -- STATE LEGISLATORS AND HIGH ELECTED OFFICIALS WOULD LED ME TO BELIEVE THAT THE STANDARDS HERE IN TEXAS AREN'T TIGHT ENOUGH AND WE NEED TO PASS AN ORDINANCE TO LIMIT THOSE EXPENDITURES TO SOMETHING REASONABLE, MUCH LIKE WE HAVE LIMITS ON HOW MUCH A CITY EMPLOYEE CAN SPEND ON A MEAL OR OTHER EXPENDITURES. OVERALL, WE THINK THIS IS A GOOD STEP FORWARD AND A WAY TO BRING A LITTLE LESS CORRUPTION ORDINANCE UP TO DATE AND TO ASSURE THAT WE STILL DON'T HAVE LARGE AMOUNTS OF MONEY BEING SPENT ON THESE RACES. BUT I WOULD ASK FOR AN OPPORTUNITY TO POSTPONE THIS FOR FURTHER DISCUSSION ABOUT THE LOOPHOLES THAT WE HAVE SEEN.

THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. SMITH. LET'S SEE. I THINK WE PROBABLY WILL VISIT THIS IN A SECOND. WE HAVE A COUPLE MORE SPEAKERS. I THOUGHT YOU WERE GOING TO BE OUR LAST ONE. SO HANG LOOSE. WE PROBABLY WILL HAVE SOME DISCUSSION ABOUT THIS, I TRUST. OUR NEXT SPEAKER IS GAVINO FERNS. YOU WILL HAVE -- FERNANDEZ. YOU WILL HAVE THREE MINUTES AND YOU WILL BE OUR LAST SPEAKER.

AFTERNOON, COUNCIL, MY NAME IS GAVINO FERNANDEZ WITH EL CONCILIO. I'M BASICALLY I THINK THAT THE OPTIONS OR THE TOOLS THAT YOU'RE PLACING BEFORE THE COMMUNITY TO ADDRESS THE ISSUE OF THE FINANCING AND FINANCING AND CAMPAIGN REALLY SPIZ TO THE -- SPEAKS TO THE HEART OF WHAT REALLY NEEDS TO BE DONE AND THAT IS THAT YOU SHOULD BE DISCUSSING RIGHT NOW AND THAT IS THE CREATION OF SINGLE MEMBER DISTRICTS. THAT IN ITSELF WILL ADDRESS AND HELP ADDRESS THIS ISSUE ABOUT THE AMOUNT OF MONEY THAT CANDIDATES CAN RECEIVE. WE PERSONALLY FEEL COMFORTABLE WITH THE LIMITS AT THIS TIME BECAUSE IT BASICALLY PUTS A CANDIDATE IN A POSITION THAT HE OR SHE MUST GO INTO THE COMMUNITY AND KNOW THE COMMUNITY AND UNDERSTAND THE ISSUES OF THE COMMUNITY AS OPPOSED TO JUST RELYING ON TECHNOLOGY AND ITS CURRENT TOOLS TO MARKET A CAMPAIGN WHICH MANY TIMES ISSUES HAVE NO SUBSTANCE. BECAUSE IF YOU'RE REALLY SINCERE ABOUT A LOT OF THE THINGS THAT I'VE HEARD OF FAIRNESS, JUSTICE, EQUITY AND WHATNOT, LET'S TALK ABOUT THE REALITY AND HAVE SINGLE MEMBER DISTRICTS, NEIGHBORHOOD DISTRICTS. AUSTIN IS GROWING. PRETTY SOON WE'LL BE ANNEXING UP TO 130. THOSE PEOPLE NEED A VOICE IN THE PLANNING AND THE DIRECTION AND THE DEVELOPMENT THAT'S GOING TO OCCUR IN THAT COMMUNITY. SO I THINK THAT UNTIL YOU BRING THE CORE ISSUE TO THE TABLE, CAN WE SUPPORT THIS TYPE OF ORDINANCE OR PROPOSAL BEING PUT ON THE CHARTER AMENDMENT, BECAUSE AGAIN, THE NEIGHBORHOOD DISTRICTS AND SINGLE MEMBER DISTRICTS IS SOMETHING THAT AUSTIN NEEDS TO BRING TO THE TABLE. MY DAD,

LOCKHART, JUST DOWN THE STREET, HAS SINGLE MEMBER DISTRICTS. SO THOSE OF YOU THAT ARE IN THE MAJORITY OF THIS GOVERNMENT, SHARE THE GOVERNMENT EQUITABLY AND JUSTIFIABLY AND LET'S TALK ABOUT MOVING FORWARD WITH SINGLE MEMBER DISTRICTS WHICH WOULD HELP ADDRESS THIS ISSUE OF THE LIMIT OF FUNDS FOR CAMPAIGNS. THANK YOU, MAYOR.

Mayor Wynn: THANK YOU, MR. FERNANDEZ. ARE THERE ANY OTHER CITIZENS THAT WOULD LIKE TO ADDRESS US ON THIS PROPOSED SUBMISSION OF A PROPOSED CHARTER AMENDMENT, ITEM NUMBER 4? THANK YOU ALL. SO COUNCIL, COMMENTS, QUESTIONS? I GUESS MY FIRST ONE - - I'M NOT SURE IF EITHER THE SPONSORS AND/OR PERHAPS MR. SMITH COULD HELP ME UNDERSTAND WHAT IS IN THE PROPOSAL CURRENTLY REGARDING THE ISSUE OF PAC'S. I KNOW OBVIOUSLY \$100 OR 300 IS QUITE SIMPLE TO UNDERSTAND. THE ZIP CODE ARGUMENT I THINK IS A SOUND ONE AND EASY TO UNDERSTAND, BUT PERHAPS MR. SMITH COULD HELP ME UNDERSTAND WHAT WE HAVE IN HERE REGARDING THE PAC'S.

I THINK MS. GILCHRIST IS PREPARED TO RESPOND.

IN THE ORIGINAL CITIZENS' INITIATIVE ON THIS, THERE WAS A PROVISION THAT REDISTRICTING BOTH FUND-RAISING AND SPENDING BY PAC'S. IT WAS STRUCK DOWN BY THE COURTS. THE REASONING, RIGHTLY OR WRONGLY, THAT THE COURTS HAVE TAKEN IS THAT CORRUPTION IS ONLY A QUID PRO QUO THING. SO ONLY A CANDIDATE CAN BE CORRUPTED BY A CONTRIBUTION AND NOT A PAC OR ANOTHER CORPORATION OR SOMETHING LIKE THAT. SO THE COURTS ROUTINELY STRIKE DOWN RESTRICTIONS ON CONTRIBUTIONS TO PAC'S. IT WAS IN THE CHARTER -- IN FACT, THE LANGUAGE STILL APPEARS IN THE CHARTER, BUT IT'S BEEN MOOTED BY THE COURT DECISION, SO OUR RECOMMENDATION WAS THAT WE DON'T REVISIT THAT ISSUE, THAT WE THINK THAT THE COURTS WOULD LIKELY FIND THAT THE SAME ISSUE THAT WAS LITIGATED BEFORE WOULD BE LITIGATED AGAIN.

SO ESSENTIALLY THE DRAFT PROPOSED CHARTER AMENDMENT THAT'S BEFORE US IS SILENT TO PAC'S

BECAUSE OF OUR RECENT LEGAL EXPERIENCE?

YES. WHAT THE LAW DEPARTMENT WAS ASKED TO PRODUCE WAS SOMETHING THAT VIRTUALLY COMPLICATED THE EXISTING CHARTER PROVISIONS, TAKING OUT THOSE THAT HAVE BEEN STRUCK DOWN BY THE COURT AND MAKING THE AMENDMENTS THAT COUNCILMEMBER DUNKERLEY DISCUSSED. SO EXPANDING IN SOME PLACES, TAKING OUT THE PROVISIONS THAT HAVE BEEN STRUCK DOWN. SO OTHER THAN THAT IT'S WORD FOR WORD IDENTICAL.

Mayor Wynn: REMIND ME IF YOU'RE COGNIZANT OF THIS. THE WAY IT HAS BEEN WORKING, AT LEAST SINCE '97, PAC'S ARE ALSO LIMITED TO A 100-DOLLAR CONTRIBUTION TO COUNCIL RACES, CORRECT? IF THERE'S A GOOD GOVERNMENT PAC OUT THERE AND THEY WANTED TO CONTRIBUTE TO MY CAMPAIGN, THAT PAC IS STILL ALSO LIMITED TO THE SAME DOLLAR FIGURE THAT AN INDIVIDUAL IS LIMITED TO, CORRECT?

THEY'RE LIMITED TO THAT CONTRIBUTION AMOUNT TO YOUR CAMPAIGN. THEY'RE NOT LIMITED IN THE AMOUNT THAT THEY CAN SPEND ON A DIRECT EXPENDITURE ON BEHALF OF -- A DIRECT EXPENDITURE RELATED TO A CAMPAIGN OR A MEASURE. AND THEY'RE NOT RESTRICTED AS TO HOW MUCH MONEY THEY CAN ACCEPT, SO CONTRIBUTIONS TO A PAC ARE NOT LIMITED IN THE SAME WAY CONTRIBUTIONS TO A CANDIDATE ARE. AND AGAIN THE THEORY IS ONLY CANDIDATES CAN BE CORRUPTED.

Mayor Wynn: THANK YOU. ECONOMIC.  
>>COUNCILMEMBERMCCRACKEN.

WE DO KNOW THERE'S NOT A PROHIBITION ON HOW PAC'S RECEIVE MONEY AND SPEND CONTRIBUTIONS AND THE DIRECT EXPENDITURES ON ELECTIONS AND IT'S DIFFERENT FROM THE DAY-TO-DAY ACTIVITIES. FOR INSTANCE, GOVERNMENTS ARE ALLOWED TO PROHIBIT A PAC FROM USING CORPORATE CONTRIBUTIONS, TO SPEND THOSE CORPORATE CONTRIBUTIONS AND A DIRECT EXPENDITURE IN AN ELECTION CAMPAIGN SO. WE DO KNOW OF INSTANCES AND OF AREAS IN THE LAW WHERE COURTS DO PERMIT

GOVERNMENTS TO PUT LIMITS ON HOW PACS SPEND CAMPAIGN CONTRIBUTIONS IN THE CONTEXT OF ELECTIONS. SO I THINK IT WILL BE HELPFUL PERHAPS IF THE CITY ATTORNEY'S OFFICE AND MR. SMITH COULD GET TOGETHER OVER THE NEXT WEEK AND SEE IF THERE IS SOME LEGAL CONSENSUS THAT WE CAN ACHIEVE IN THAT AREA. SINCE WE KNOW THAT WHAT SUGGESTED BY THE THREE OF US INITIALLY OR THE SPONSORS HAS NEVER BEEN ADDRESSED BY THE COURTS AND SO WHAT WE DON'T KNOW IS WE'RE IN THAT UNCHARTERED TERRITORY IN THE GENERAL RULE OF PACS AND HOW THEY GET MONEY AND SPEND IT AND THE OTHER SIDE THAT THE COURTS ALLOW PAC'S TO SPEND CONTRIBUTIONS IN ELECTIONS. I THINK THAT WOULD BE HELPFUL IN THE NEXT WEEK TO GET MORE INFORMATION ON THAT.

Alvarez: I KNOW ON THAT ITEM IT'S TO REPLACE WHAT'S CURRENTLY IN THE CHARTER RELATED TO CAMPAIGN FINANCE RELATED TO THIS PARTICULAR SECTION, BUT SINCE WE DON'T HAVE THAT IN LEGISLATIVE FORMAT, I WAS CURIOUS IF THERE WAS ANYTHING PERTAINING TO PACS THAT IS CURRENTLY IN THERE THAT IS NOT BEING INCLUDED.

YES. THE CURRENT -- THERE WERE TWO PROVISIONS IN THE CURRENT CHARTER THAT WERE STRUCK DOWN BY THE COURTS, AND THEY WERE SUBSECTIONS I AND J, WHICH WERE CONTRIBUTION LIMITS FOR NON-CANDIDATE POLITICAL COMMITTEES AND PROHIBITIONS ON POLITICAL EXPENDITURES BY BUSINESSES. SO THOSE TWO PROVISIONS WERE STRUCK OUT.

BUT WE HADN'T PREVIOUSLY REMOVED THEM FROM THE CHARTER, WE JUST HADN'T BEEN ENFORCING IT?

WE COULDN'T ENFORCE THEM. THEY WERE SUPERCEDED BY THE COURT ORDER. BUT WITHOUT A COURT ORDER THEY JUST STAY THERE. >>

Alvarez: BUT WE DIDN'T DO IT WITH THE CHARTER AMENDMENT IN 2002?

NO, SIR.

Alvarez: SO WHAT WE WOULD BE LOOKING AT IS SOMETHING THAT MAY AFFECT POLITICAL ACTION COMMITTEES OBVIOUSLY BECAUSE THERE'S NOTHING IN THERE REALLY THAT SPEAKS TO IT VERY MUCH. AND ALSO, I GUESS I WAS JUST CURIOUS BECAUSE OF ALL OF THE ATTENTION ON INDEPENDENT EXPENDITURES AND WHAT CONSTITUTES AN INDEPENDENT EXPENDITURE, AND I ASSUME THAT THE PAC'S THAT OPERATE OR WOULD BE INVOLVED IN LOCAL ELECTIONS HAVE TO FOLLOW THE SAME KIND OF REGULATIONS THAT OTHER PAC'S OPERATING IN THE STATE HAVE TO WITH REGARD TO NOT ACCEPTING A CORPORATE CONTRIBUTIONS AND OBVIOUSLY NOT COORDINATING THEIR EFFORTS WITH THE CANDIDATES THEY'RE SUPPORTING AND THOSE KIND OF ISSUES. AND IS THERE A WAY TO -- DO WE KIND OF FALL BACK ON STATE LAW FOR THAT, OR IS THERE SOMETHING THAT COULD BE INSTEAD IN THAT REGARD IN TERMS OF WHAT IS EXPECTED OF THE PAC'S THAT ARE OPERATING WITHIN OUR JURISDICTION BASICALLY IT JUST DEFAULTS BACK TO STATE LAW.

STATE LAW WOULD SUPERSEDE THE CHARTER. AND ALL PAC'S, WHETHER THEY'RE INVOLVED IN A LOCAL ELECTION OR A STATEWIDE ELECTION, ARE SUBJECT TO THE ELECTION CODE PROHIBITIONS OR LIMITATIONS ON CONTRIBUTIONS AND EXPENDITURES.

Alvarez: THANKS, MAYOR.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?  
COUNCILMEMBER LEFFINGWELL.

Leffingwell: WHERE IN THIS PROPOSED AMENDMENT DOES IT SAY THAT A POLITICAL ACTION COMMITTEE CAN ONLY CONTRIBUTE A MAXIMUM OF \$300 TO AN INDIVIDUAL CANDIDATE?

EVERYONE IS LIMITED TO THAT 300-DOLLAR LIMIT, AND I ACTUALLY LEFT MY COPY OVER THERE, BUT I BELIEVE IT SAYS THAT A CANDIDATE CANNOT ACCEPT MORE THAN \$300 FROM AN INDIVIDUAL.

Leffingwell: FROM A PERSON.

Mayor Wynn: ACTUALLY, IT READS PER CONTRIBUTOR.

PER CONTRIBUTOR. BUT A CONTRIBUTOR OR PERSON  
INCLUDES BOTH AN INDIVIDUAL --

Leffingwell: FROM A PERSON.

A PERSON IS TYPICALLY DEFINED IN THE LAW AS  
INCLUDING CORPORATIONS, OTHER ENTITIES.

Leffingwell: THE BOTTOM LINE IS YOU'RE SATISFIED THIS THAT  
THAT WOULD APPLY IN THIS CASE.

YES, SIR.

Mayor Wynn: AND FOR THE RECORD, CANDIDATES HAVE NOT  
BEEN ABLE TO AND WILL CONTINUE NOT TO BE ABLE TO  
ACCEPT CORPORATE DONATIONS OF ANY SIZE, IS THAT  
CORRECT?

THAT'S CORRECT.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? SO  
COUNCIL, WITHOUT OBJECTION THEN, I WOULD LIKE TO  
HONOR MR. SMITH'S REQUEST FOR SUGGESTION -- PUBLIC  
CITIZEN, THAT WE REALLY MAKE SURE WE UNDERSTAND  
THE PAC ISSUE HERE. I FEEL BETTER ABOUT IT ALREADY,  
BUT SINCE WE HAVE THE LUXURY OF THIS WEEK, I DON'T  
SEE ANY REASON TO TAKE ACTION NOW WHEN WE CAN  
FURTHER FLESH IT OUT.

McCracken: MAYOR, I MOVE TO POSTPONE FOR ONE WEEK.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCRACKEN,  
SECONDED BY MAYOR PRO TEM TO POSTPONE ITEM  
NUMBER 4 TO MARCH NINTH, 2006. FURTHER COMMENTS?  
HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION TO POSTPONE PASS OZ A

VOTE OF SEVEN TO ZERO. ITEM NUMBER 5, ANOTHER PROPOSED SUBMISSION ON A PROPOSED CHARTER AMENDMENT TO THE VOTERS TO CHANGE THE INITIAL DATE AND TERM SERVED BY THE MAYOR AND COUNCILMEMBERS TO COMPLY WITH A CHANGE IN STATE LAW. MS. GILCHRIST?

THANK YOU, MAYOR. THIS IS A STAFF SUGGESTION. IT'S A CLEANUP PROVISION. AS YOU'RE AWARE, OUR CHARTER PROVIDES THAT COUNCIL TERMS BEGIN ON MAY 15TH. THIS WAS SET IN THE CHARTER WHEN THE UNIFORM ELECTION DAY WAS BACK IN APRIL. IN 1987 THE UNIFORM ELECTION DATE WAS MOVED TO MAY. AT THAT TIME STATE LAW ALLOWED US BY ORDINANCE TO ADJUST THE BEGINNING DATE OF OUR TERMS. WE DID THAT AND ADJUSTED IT UNTIL JUNE 15TH. THIS PAST LEGISLATIVE SESSION THE UNIFORM ELECTION DATE IN MAY WAS AGAIN MOVED BACK FROM THE FIRST SATURDAY IN MAY TO THE SECOND SATURDAY IN MAY, WHICH IF THERE'S A RUNOFF ELECTION, MAKES SWEARING IN BY JUNE 15TH VIRTUALLY IMPOSSIBLE. SO STAFF'S SUGGESTION IS JUST AS A MATTER OF CLEANUP TO CHANGE OUR CHARTER TO MAKE IT MORE OF A GREEN DOCUMENT WHERE COUNCIL CAN BY ORDINANCE AND THE LAW DEPARTMENT WOULD RECOMMEND THAT IT BE CODIFIED IN THE CITY CODE ESTABLISH THE BEGINNING DATE OF A TERM. AND THIS WOULD ALLOW FOR FUTURE ADJUSTMENTS IN THE UNIFORM ELECTION DATES.

THANK YOU, MS. GILCHRIST. QUESTIONS, COMMENTS?  
COUNCILMEMBER ALVAREZ.

Alvarez: I HAD ACTUALLY REQUESTED THAT THIS BE PUT ON THE AGENDA BECAUSE -- OR BE CONSIDERED AS A CHARTER AMENDMENT BECAUSE WE KIND OF STRUGGLED WITH THIS ISSUE DURING THE LAST ELECTION WHERE BASICALLY THE CHARTER SAYS THAT BY JUNE 15 THE TERM OF THE SITTING COUNCILMEMBER ENDS, BUT BECAUSE OF STATE LAW REQUIREMENTS, THE NEW COUNCILMEMBERS COULDN'T BE SWORN IN UNTIL AFTER JUNE 15TH. I BELIEVE THAT'S HOW IT HAPPENED LAST TIME AS WELL. SO THERE COULD BE A PERIOD WHERE THERE IS NO PERSON SERVING IN THAT PARTICULAR SEAT, AND I THINK THAT IF THERE HAPPENS TO BE A RUNOFF OR TWO IN THIS COMING ELECTION, WE MIGHT ACTUALLY HAVE TO DEAL WITH THAT ISSUE AS WELL. BUT

THIS AMENDMENT WOULD TAKE CARE OF THAT AND ENSURE THAT THERE'S CONTINUITY OF REPRESENTATION UNTIL THE NEW MEMBERS ARE SWORN IN AS PER STATE LAW REQUIREMENTS. SO THANK YOU FOR BRINGING THAT FORWARD. I THINK -- AGAIN, LIKE YOU SAY, IT'S JUST A CLEANUP ITEM TO MAKE SURE THAT THE CHARTER IS IN LINE WITH THE STATE LAW REQUIREMENTS. THANKS.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER MCCRACKEN. AND AGAIN, I BELIEVE THAT NO CITIZENS SIGNED UP TO ADDRESS US ON THIS CLEANUP ITEM, IF YOU WILL, ITEM NUMBER 5. NO CITIZENS HAVE SIGNED UP. ANY CITIZENS LIKE TO ADDRESS US REGARDING THIS PROPOSED SUBMISSION OF A PROPOSED CHARTER AMENDMENT? HEARING NONE, I'LL ENTERTAIN A MOTION.

Alvarez: MAYOR, I MOVE APPROVAL OF THIS PARTICULAR ORDINANCE. DO WE JUST APPROVE IT AS WRITTEN SINCE IT DOESN'T HAVE A PROPOSITION NUMBER?

I WOULD ACTUALLY SUGGEST THAT WE TAKE OUT PROPOSITION X AND JUST PUT --

Alvarez: THAT WE APPROVE THE ORDINANCE PERTAINING TO THIS ITEM, EXCEPT THAT IN PART ONE WE REMOVE THE PROPOSITION X LANGUAGE.

Mayor Wynn: AND PART TWO WOULD BE JUST IF THIS PROPOSITION IS APPROVED. MOTION BY COUNCILMEMBER ALVAREZ. SECONDED BY THE MAYOR PRO TEM TO APPROVE ITEM NUMBER 5. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL. COUNCIL, THAT TAKES US TO ITEM NUMBER 6, WHICH IS APPROVE AN ORDINANCE ORDERING ELECTION FOR THE PROPOSAL OF SUBMITTING A CITIZEN CHARTER AMENDMENT TO THE VOTERS RELATED TO DEVELOPMENT IN THE BARTON SPRINGS, EDWARD'S AQUIFER WATERSHED. THIS IS THE FIRST OF TWO CITIZEN

INITIATIVES THAT HAVE BEEN PRESENTED TO THE CITY CLERK. THIS ONE HAS ALREADY BEEN VALIDATED AND WE HEARD EARLIER THAT SHE EXPECTS TO VALIDATE THE SECOND ONE OR FINISH THAT PROCESS IN THE NEXT DAY OR TWO. CERTAINLY IN PLENTY OF TIME FOR NEXT THURSDAY'S COUNCIL MEETING AND ESSENTIALLY DEADLINE FOR GETTING THINGS ON THE BALLOT. WE HAVE A COUPLE OF FOLKS WHO ARE HERE, I THINK, WHO WANT TO SPEAK ON THIS, AND WE CERTAINLY SHOULD LET THEM SPEAK. AND MY INSTINCT IS PERHAPS TAKE UP THE LARGER DISCUSSION ABOUT THESE ITEMS AS WE GET THAT VALIDATION SHORTLY FOR NEXT WEEK, BUT WE CAN CERTAINLY HAVE SOME DISCUSSION NOW. SO, AGAIN, ITEM NUMBER 6 IS REGARDING THE SIT 10 INITIATIVE AND THIS IS ONE OF TWO. THIS IS REGARDING DEVELOPMENT IN THE BARTON SPRINGS EDWARD'S AQUIFER WATERSHED. WITHOUT ANY QUESTIONS OR COMMENTS, WE CAN GO TO THE CITIZENS SIGNED UP AND GET SOME TESTIMONY. OUR FIRST SPEAKER SIGNED UP, MR. BILL BUNCH. WELCOME, BILL. YOU WILL HAVE THREE MINUTES. SO FAR YOU'RE THE ONLY PERSON SIGNED UP, BUT WE'LL SEE IF OTHER FOLKS WANT TO ADDRESS US.

THANK YOU, MAYOR. I DO HOPE THAT THE COUNCIL WILL POSTPONE THIS FOR A WEEK AND PERHAPS REESTABLISH SOME BASIC COMMON SENSE AND FAIRNESS INTO THIS PROCESS. THERE'S BEEN NO BACKUP WHATSOEVER ON THE CITY'S WEBSITE ON ANY OF THESE CHARTER MEASURES AT ALL. THERE'S NO BACKUP AVAILABLE FOR DISTRIBUTION FOR PEOPLE WHO ARE OUT THERE TODAY ON ANY OF THE CHARTER AMENDMENTS, INCLUDING THIS ONE. I DID ASK AND GET THIS PROPOSED BALLOT LANGUAGE FOR THE S.O.S. SAVE OUR SPRINGS MEASURE, BUT YOU MIGHT AS WELL HAVE JUST WRITTEN VOTE NO ON THIS MEASURE PLEASE AND LEFT IT AT THAT, BECAUSE IT'S AN EXTREME FORM OF DISHONEST ELECTIONEERING THAT'S BEEN DRAFTED AS THE PROPOSED BALLOT LANGUAGE FOR THE SAVE OUR SPRINGS AMENDMENT. IT STARTS WITH SHALL THE CITY CHARTER BE AMENDED TO LIMIT INFRASTRUCTURE IMPROVEMENT IN THE BARTON SPRINGS WATERSHED? THERE'S NOTHING ANYWHERE IN THE CHARTER AMENDMENT THAT LIMITS INFRASTRUCTURE

IMPROVEMENTS. WE NEVER USE THAT WORD. THE WORD THAT'S USED IS EXPANSIONS AND EXTENSIONS DESIGNED TO SERVE PRIMARILY NEW GROWTH. EVERYBODY IS IN FAVOR OF IMPROVEMENTS. WE SUPPORT IMPROVEMENTS, THERE'S NOTHING IN HERE THAT OPPOSES IMPROVEMENTS. DISHONEST LANGUAGE. THE NEXT PHRASE IS DISQUALIFY CERTAIN INDIVIDUALS FROM EXERCISING THEIR PROPERTY RIGHTS UNDER STATE LAW. THERE'S ABSOLUTELY NOTHING IN THIS CHARTER AMENDMENT THAT WOULD DISQUALIFY ANYONE'S PROPERTY RIGHTS UNDER STATE LAW. WE CAN'T DO THAT, WE'RE NOT INTERESTED IN DOING THAT. NOTHING IN HERE WOULD DO THAT. NOW, CERTAINLY SOMEBODY IN THE CAMPAIGN AGAINST IT MIGHT WANT TO ARGUE THAT IT DOES THAT, BUT THAT IS NOT WHAT IT DOES AND IT'S TOTALLY INAPPROPRIATE LANGUAGE IN THE CAPTION TO GO ON THE BALLOT. THE WORDS PROPERTY RIGHTS ARE NOT IN THE CHARTER AMENDMENT ANYWHERE. AND YOU CAN GO ON DOWN. IT TALKS ABOUT PROPOSED SPECIAL DISTRICTS. WHICH PROPOSED SPECIAL DISTRICTS? DOES ANYBODY KNOW ABOUT A PROPOSED SPECIAL DISTRICT IN THE WATERSHED RIGHT NOW? I DON'T KNOW OF ANY THAT ARE PROPOSED. SO THIS LANGUAGE IS COMPLETELY OFF THE CHARTS. AND THE FACT THAT IT WOULD BE DRAFTED AND THAT Y'ALL WOULD BE UP HERE CONSIDERING IT I THINK IS OVERWHELMING EVIDENCE FOR WHY CITIZENS FELT THAT THEY HAD TO RESORT TO THE INITIATIVE PROCESS. [ BUZZER SOUNDS ] THIS CITY HALL IS OUT OF TOUCH WITH THE CITIZENS AND THE NEED TO PROTECT THE SOUL OF OUR CITY, BARTON SPRINGS, BEFORE IT'S TOO LATE. I DO HOPE YOU'LL POSTPONE FOR A WEEK AND GIVE THE CITIZENS ADEQUATE TIME TO PAY ATTENTION AND PROPOSE HONEST LANGUAGE FOR THE BALLOT. THANK YOU.

Mayor Wynn: THANK YOU, MR. BUNCH. ARE THERE ANY OTHER CITIZENS WHO WISH TO ADDRESS US REGARDING ITEM NUMBER 6? WELCOME MR. FERNANDEZ.

THANK YOU, MAYOR. REAL QUICKLY, AGAIN, I JUST WANT TO -- GAVINO FERNANDEZ WITH EL CONCILIO -- RAISE THE ISSUE OF EQUITY AGAIN. BECAUSE WHATEVER HAPPENS OR DOES NOT HAPPEN OVER THE AQUIFER IS GOING TO HAPPEN IN EAST AUSTIN. WE'VE ALREADY WOKEN UP TO THE FACT THAT WE'RE THE DESIRED DEVELOPMENT ZONE WITH NO

INPUT FROM ANYONE IN THAT AREA. WE JUST WOKE UP AND FOUND OUT, HEY, THIS WAS GOING TO HAPPEN. ALREADY THE NEW PEOPLE THAT ARE MOVING IN THERE ARE ALREADY DEALING WITH THE ISSUES OF INFRASTRUCTURE, NEGLECT AND WHATNOT. MANY OF THE ISSUES THAT WE'VE BROUGHT TO YOU MANY TIMES AND HAVE GONE THROUGH ONE EAR AND SLOWLY -- FASTLY GONE OUT THROUGH THE AREA. AGAIN, WE'RE ALL ONE COMMUNITY AND WE NEED TO WORK TOGETHER IN ENSURING THAT WHATEVER WE DO TO PROTECT ONE SIDE DOES NOT OFFSET AND DISPLACE ANOTHER SIDE OF THE COMMUNITY. SO I ALSO CONCUR THAT YOU SHOULD DELAY THIS IF ONE MORE WEEK AND HOPEFULLY WITHIN THAT WEEK WE CAN ALSO INSERT SOME JUSTICE INTO THESE PROPOSALS THAT ARE BEING PUT UP BEFORE THE COMMUNITY TO CHANGE THE CITY CHARTER. IF I'M NOT MISTAKEN, ONCE YOU DO THAT YOU CAN'T AMEND IT OR CHANGE IT AGAIN FOR TWO YEARS AFTERWARDS. SO AGAIN THANK YOU FOR THE OPPORTUNITY AND THAT IS BASICALLY THE MESSAGE THAT WE'RE SENDING IS THAT ON THESE TYPE OF PROPOSALS, IT'S NOT ONLY A ONE SIDE COMMUNITY ISSUE BECAUSE IT AFFECTS THE ENTIRE COMMUNITY, AND MANY PEOPLE IN OUR COMMUNITY ARE ALREADY LOSING THEIR HOMES AND HAVING TO MOVE OUT BECAUSE OF A SIDE EFFECT WHERE WE'RE PROHIBITING AND RESTRICTING DEVELOPMENT WHERE ON THE OTHER SIDE IT'S AN OPEN HIGHWAY. THANK YOU, MAYOR.

Mayor Wynn: THANK YOU, MR. FERNANDEZ. COUNCIL, THAT'S FOLKS TO WANTED TO GIVE US TESTIMONY ON ITEM NUMBER 6. JUST TO CONFIRM, MR. SMITH, SO REMIND ME, I GUESS BECAUSE WE'RE THE BODY THAT CALLS THE ELECTION, WE ALSO -- MY UNDERSTANDING IS STATE LAW REQUIRES US AS THE SAME BODY TO CRAFT BALLOT LANGUAGE, JUST LIKE WE HAVE AND/OR WILL DO ON COUNCIL SPONSORED POTENTIAL CHARTER AMENDMENTS IS OUR DUTY TO DO THAT SAME BALLOT LANGUAGE CRAFTING FOR EVEN CITIZEN INITIATIVE PROPOSED CHARTER AMENDMENTS. AND THIS LANGUAGE BEFORE US, I WILL ALSO SAY THIS IS THE FIRST TIME I'VE ACTUALLY SEEN IT, AND THIS IS -- I PRESUME THIS IS CITY LEGAL DEPARTMENT TAKING A FIRST SHOT AT DRAFTING A LANGUAGE, SOME LANGUAGE FOR US TO THEN START A

PUBLIC DEBATE ABOUT WHAT SHOULD ACTUALLY BE THE BALLOT LANGUAGE THAT CITIZENS WILL SEE.

THAT IS CORRECT, MAYOR. IT IS THE COUNCIL'S ROLE AND DUTY TO SET THE COUNCIL LANGUAGE. THE PROPOSED BALLOT LANGUAGE IN THE PROPOSED ORDINANCE WAS NOT CRAFTED BY COUNCIL OR ANY MEMBER OF COUNCIL. IT WAS CRAFTED BY THE LAW DEPARTMENT AS A FIRST ATTEMPT TO AGAIN DESCRIBING THE ISSUES RAISED IN THE PROPOSED CHARTER AMENDMENT. BUT AGAIN, IT WILL BE COUNCIL'S'S DUTY TO DECIDE WHAT THAT BALLOT LANGUAGE WILL BE.

Mayor Wynn: THANK YOU, MR. SMITH. AGAIN, COUNCIL, MY INSTINCT IS IN PART BECAUSE WE ALSO HAVE WE BELIEVE A SECOND CITIZEN INITIAL TO BE VALIDATED IMMEDIATELY, WE COULD HAVE A WEEK'S WORTH OF PREPARED DEBATE NEXT THURSDAY ABOUT THOSE TWO POTENTIAL CHARTER AMENDMENTS. MAYOR PRO TEM?

Thomas: I JUST ASKED THE MAYOR SO THAT WE COULD POSTPONE UNTIL NEXT WEEK ON THIS ITEM. IT IS TRUE. THIS IS THE FIRST TIME SEEING IT, THAT IS MY CONCERN. OR EVEN NUMBER THREE BECAUSE WE JUST DIDN'T HAVE THE INFORMATION UNTIL TODAY. I WOULD AGREE FOR A POSTPONEMENT UNTIL NEXT WEEK AND GIVE US AN OPPORTUNITY AND THE CITIZENS THE OPPORTUNITY TO LOOK AT THE WORDING.

Mayor Wynn: UNDERSTOOD. COUNCILMEMBER MCCRACKEN.

McCracken: I WILL SAY IN PREPARING THE PROPOSED CHARTER ITEM WITH THE BALLOT LANGUAGE THAT'S LISTED HERE, I BELIEVE THAT THE BALLOT LANGUAGE DOES ACCURATELY REFLECT THE CONSEQUENCES OF A PROPOSED CHARTER ITEM THAT HAS A LOT OF POTENTIAL DISASTROUS IMPACTS SUCH AS BANNING US FROM BEING ABLE TO OFFER AFFORDABLE HOUSING IN SOUTHWEST AUSTIN. IT PREVENTED US FROM INSTALLING WATER QUALITY INFRASTRUCTURE IN SOUTHWEST AUSTIN AND IT WOULD HAVE A LOT OF OTHER POTENTIAL EFFECTS THAT WOULD BE VERY HARMFUL TO WATER QUALITY AND VERY HARL HARMFUL TO OUR QUALITY OF LIFE IN THE CITY OF

AUSTIN. SO I'M HAPPY TO CONSIDER OTHER CHANGES TO THE BALLOT LANGUAGE, BUT IF THE CITIZENS GROUP WHO BROUGHT FORWARD THIS CHARTER ITEM ARE WORRIED THAT THIS BALLOT LANGUAGE WOULD TURN VOTERS OFF, I AGREE, BUT I THINK IT ACCURATELY REFLECTS WHAT'S GOING ON HERE AND WOULD SEVERELY HARM THE CITY OF AUSTIN AND THE QUALITY OF LIFE FOR FOLKS WHO DO EXPECT TO HAVE THEIR ELECTRIC LINES IMPROVED, TO HAVE SMART HOUSING AND PREVENT US FROM DOING SOLAR REBATES IN SOUTHWEST AUSTIN. SO I'M HAPPY WITH THE LANGUAGE, BUT IF PEOPLE ARE CONCERNED ABOUT THIS LANGUAGE, THEY SHOULD BE CONCERNED ABOUT THIS ITEM BECAUSE THIS ITEM HAS A LOT OF PROBLEMS WITH IT.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? SO AGAIN, WE ANTICIPATE MS. -- IT'S SO HARD FOR ME TO SAY GENTRY. MS. GENTRY TO VALIDATE THE SECOND CITIZEN INITIATIVE AND I WOULD GUESS AT SOME POINT THERE'S SORT OF A PUBLIC ACKNOWLEDGMENT OF THAT FROM YOUR OFFICE VERY SOON AND THEN WE POST LIKELY THESE TWO ITEMS FOR DEBATE AND ACTION FOR NEXT THURSDAY. THANK YOU. COUNCILMEMBER LEFFINGWELL.

Leffingwell: MAYOR, I WOULD SUPPORT POSTPONING THIS ITEM UNTIL NEXT WEEK AND GIVE US A CHANCE TO MORE THOROUGHLY EXAMINE THE BALLOT LANGUAGE. BUT I WANT TO PREFACE THAT BY SAYING IT IS THE COUNCIL'S RESPONSIBILITY TO SET BALLOT LANGUAGE THAT WE BELIEVE ACCURATELY REFLECTS THE ORDINANCE. SO ON THAT BASIS I WOULD SUPPORT A POSTPONEMENT.

Mayor Wynn: SO I WILL CONSIDER THAT A MOTION FROM COUNCILMEMBER LEFFINGWELL, SECONDED BY THE MAYOR PRO TEM TO POSTPONE ITEM NUMBER 6 UNTIL THURSDAY, MARCH 19TH, 2006. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL VERY MUCH. COUNCIL, SINCE WE'RE ABOUT TO HIT THE NOON HOUR AND HIT THE

CITIZENS COMMUNICATION. MY INTENTION IS NOT TO TAKE UP THE ONE DISCUSSION ITEM WE'LL DO IT IN THE AFTERNOON. WITHOUT OBJECTION, I'D LIKE TO HAVE A BRIEF RECESS OF THE CITY COUNCIL. WE'LL COME BACK IN A FEW MINUTES, LITERALLY THREE TO FIVE MINUTES TO TAKE UP OUR GENERAL CITIZEN COMMUNICATION. SO WITHOUT OBJECTION, WE ARE NOW IN RECESS. THANK YOU.

Mayor Wynn: THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL BACK TO ORDER THE MEETING OF THE AUSTIN CITY COUNCIL. WE'VE HAD A COUPLE MINUTE RECESS. THANK YOU VERY MUCH. WE NOW GO TO OUR NOON GENERAL CITIZEN COMMUNICATION. OUR FIRST SPEAKER IS MR. PAUL ROBBINS. WELCOME BACK, PAUL. YOU WILL BE FOLLOWED BY JENNIFER GALE, WHO WILL BE FOLLOWED BY DAVID KELMAN. WELCOME, MR. ROBBINS.

MAYOR AND COUNCIL, I'M PAUL ROBBINS. I'VE BEEN A RESIDENT OF AUSTIN SINCE ABOUT 1972. I'VE BEEN A CONSUMER ADVOCATE AND ENVIRONMENTAL ACTIVIST SINCE 1977. AND I WANT TO TAKE YOU BACK TO 1984, THE YEAR THAT AUSTIN'S CITY GOVERNMENT CHOSE TO DEFY ITS CHARTER MANDATING VOTER APPROVED REVENUE BONDS. THE CITY OF AUSTIN HAD VOTED IN 1981 TO SELL ITS SHARE OF THE SOUTH TEXAS NUCLEAR PROJECT WHICH HAD EXPERIENCED OVERRUNS OF 460%. BUT NO ONE WAS DUMB ENOUGH TO BUY THE NUKE AND THE CITY WAS OBLIGATED THROUGH A DRA CONNAN CONTRACT TO PAY ALL THE OVERRUNS. IN 1984 THE CITY COUNCIL RAN OUT OF BONDING AUTHORITY AND IT FELT IT HAD NO CHOICE BUT TO SELL REVENUE BONDS WITHOUT VOTER APPROVAL. IT WAS A POLITICAL EARTHQUAKE. ANGER BOILED OVER, RECALL PETITIONS WERE FILED, DISTRUST WAS RAMPANT. A COURT CASE WAS FILED AGAINST THE CITY, BUT THE COURTS RULED THAT SINCE STATE LAW NON-AUTHORIZED REVENUE BONDS, THE CITY WAS LEGALLY CLEAR. HOWEVER, THE ATMOSPHERE WAS SO POISONOUS THAT THE CITY DID NOT DELEGATE OTHER REVENUE BONDS WITHOUT VOTER APPROVAL. THERE WAS A CHARTER AMENDMENT IN JANUARY OF 1985 ASKING VOTERS TO RECONSIDER THE REVENUE BOND PROCESS, BUT IT FAILED BY A PERCENTAGE OF ABOUT 69% TO 31%. I AM QUITE CONCERNED THAT WITHOUT VOTER OVERSIGHT, CITY COUNCIL NOW OR IN THE

FUTURE IS GOING TO GET US IN ANOTHER QUAGMIRE LIKE THE SOUTH TEXAS NUCLEAR PROJECT AND THE VOTERS AND RATEPAYERSSS WILL NOT HAVE A VOICE. AND FOR THIS REASON I WANT MY VOTE BACK. THANK YOU.

Mayor Wynn: THANK YOU, MR. ROBBINS. OUR NEXT SPEAKER IS JENNIFER GALE. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY DAVID KELMAN.

HI, AUSTIN. HAPPY TEXAS INDEPENDENCE DAY, MARCH SECOND. WE WILL CELEBRATE THIS SATURDAY AT 11:00 11:00 DOWNTOWN. THAT SHOULD BE A LOT OF FUN. IT BRINGS A LOT OF PEOPLE. TODAY IS ALSO FIRST THURSDAY. I'LL BE DOWN THERE IF ANYONE WANTS TO TALK CITY ISSUES. MAYOR WYNN, CITY MANAGER TOBY FUTRELL, COUNCILMEMBERS LEFFINGWELL, ALVAREZ, KIM, MCCRACKEN AND MY MY MAYORIAL OPPONENT, DANNY THOMAS. I'M HERE TO TALK ABOUT VOTER CHOICE. THIS HAS ALREADY BEEN APPROVED BY THE SECRETARY OF STATE. YOU WILL HAVE TO ASK THE TEXAS ATTORNEY GENERAL OR OUR CITY ATTORNEY DAVID SMITH. IT ALREADY BEEN APPROVED IN AN OPINION. YOU CAN GIVE THE PEOPLE OF AUSTIN A CHOICE. INSTEAD OF BEING FOR AGAINST LIGHT RAIL, YOU CAN SAY FOR AND AGAINST ONE, TWO -- I'M SORRY, TWO, THREE, FOUR, FIVE, ANY NUMBER OF LIGHT RAIL SYSTEMS. YOU SIMPLY PUT FOR AND AGAINST ANY GIVEN TYPE OF LIGHT RAIL AND THEN YOU PUT IN THE MIDDLE OF IT THE ONE WITH THE MOST VOTES WINS. AND THEN YOU ASK THEM TO CHECK OFF AGAINST ALL THE OTHER ONES THAT THEY'RE NOT VOTING FOR, SO IT'S CLEAR THAT THEY'RE VOTING FOR ONE ITEM. THIS IS SOMETHING WE CAN PUT ON THIS MAY BALLOT ALONG WITH THE OTHER CHARTER AMENDMENTS. THIS WASN'T PUT ON THERE BY THE LAST CITY COUNCIL, AND HERE WE HAVE A CHANCE TO GIVE THE CITY OF AUSTIN, THE PEOPLE OF AUSTIN, THE SAME POWER THAT YOU ENJOY EVERY SINGLE WEEK HERE ON THE AUSTIN CITY COUNCIL. SO I'M HOPING YOU'LL APPROVE THAT IN THE NEXT WEEK. I ALSO WANT TO LET PEOPLE KNOW THAT THERE ARE SCHOOL BOARD ELECTIONS, THERE'S BEEN PRACTICALLY NOTHING IN THE NEWS, THE "AUSTIN AMERICAN-STATESMAN", AUSTIN CHRONICLE, DAILY TEXAN, THEY'RE NOT DISCUSSING THE FACT THAT WE'VE GOT A MAJOR SCHOOL BOARD ELECTION

WITH DISTRICTS 1, 5, 6, 7 -- I'M SORRY, 6, 78 AND 9, 8 AND 9 BEING THE AT LARGE DISTRICTS. SO ANYONE INTERESTED IN RUNNING FOR THE SCHOOL BOARD RIGHT HERE IN THE AUSTIN INDEPENDENT SCHOOL DISTRICT, I'M ASKING THEM TO CALL 474-1700. CALL THAT NUMBER AND ASK FOR LINDA SNOW. ALL YOU HAVE TO DO IS FILL OUT AN APPOINTMENT OF TREASURER AND AN APPLICATION. YOU DON'T NEED TO COLLECT ANY SIGNATURES, LIKE I'LL BE DOING DOWN ON SOUTH CONGRESS THIS EVENING. ALSO, OUR NEWSPAPERS HAVEN'T COVERED THIS ELECTION FOR MAYOR. THERE'S BEEN NOTHING. AND THAT MEANS THEY'RE KEEPING IT HUSHED SO ONLY THE CHAMBER CANDIDATES GET ELECTED. I STILL HAVEN'T RECEIVED MY \$20,000 FOR THE TWO SLEEPING TICKETS THAT I RECEIVED. [ BUZZER SOUNDS ] AND CAP METRO IS STILL ASKING FOR MORE MONEY. THANK YOU VERY MUCH. SEE YOU SATURDAY. HAPPY INDEPENDENCE DAY, TEXAS.

Mayor Wynn: THANK YOU, JENNIFER. NEXT SPEAKER IS DAVID KELMAN. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY RICHARD MAYER.

THANK YOU. I'M DAVID KELMAN, A CITIZEN OF AUSTIN. I HAPPEN TO BE THE FOREMAN OF THE JURY ON THE FEDERAL CASE IN WHICH OF VELMA PICKENS. IT WAS BROUGHT BY SOPHIA KING'S RELATIVES AND FRIENDS. THE SPECIFIC LEGAL QUESTION, THE FINDING OF FACT THAT WE WERE ASKED TO DECIDE, WAS WHETHER THE CITY, THE POLICE DEPARTMENT THROUGH THE DISPATCHER, OFFICER GALE COL COLLINS, THE NIGHT BEFORE SOPHIA KING'S SHOOTING INTENTIONALLY DISCRIMINATED AGAINST SOPHIA KING BECAUSE OF HER DISABILITY, AND WE OF COURSE FOUND NO, THAT HE DID NOT INTENTIONALLY DISCRIMINATE BECAUSE OF HER DISABILITY. THIS WAS A DIFFICULT DECISION FOR A COUPLE MEMBERS OF THE JURY TO COME TO. IT WAS OBVIOUS TO ME FROM THE BEGINNING OF THE DELIBERATIONS I FELT THAT AS A MATTER OF LAW WHAT WE WERE DECIDING THAT THE ANSWER WAS NO FOR THIS QUESTION. AS A CITIZEN OF THE CITY, THOUGH, I THINK IT'S MY DUTY TO COME HERE NOW AND PROVIDE A LITTLE BIT MORE OBSERVATION, THOUGH, BASED ON WHAT WE HEARD AT THE TRIAL. I KNOW THAT A LOT HAS BEEN DONE SINCE THAT INCIDENT SEVERAL YEARS AGO, STUDIES HAVE BEEN

DONE, THE POLICE DEPARTMENT HAS CHANGED THE WAY IT DOES SOME THINGS, BUT WHAT WE AS A JURY ALSO FELT WAS THAT OFFICER GILL COLLINS, NOT INTENTIONALLY, BUT AT A LOWER LEVEL, LIKE A SUBCONSCIOUS LEVEL, WAS NEGLIGENT THE NIGHT BEFORE IN NOT RECOGNIZING THE SIGNS OF SOPHIA KING'S ILLNESS. AND THIS IS MORE SORT OF A CASE OF WHAT WOULD BE CALLED THE SOFT BIG GOT TRY OF LOW EXPECTATIONS, AND THAT'S WHY I'M HERE TODAY, TO SAY THAT THIS IS -- I KNOW THE CITY'S ALREADY DONE A LOT, AND I HOPE WE ALL USE THIS SITUATION TO REMIND US THAT WE ALL NEED TO BE MORE DILIGENT, CONSTANTLY DILIGENT ABOUT PROVIDING THE SAME LEVEL OF SERVICES AND EQUAL PROTECTION TO ALL CITIZENS OF THE CITY, WHATEVER THEIR STATION IN LIFE. AND IN THIS CASE I DON'T THINK THAT THAT HAPPENED. AND WE AS A JURY OVERALL DID NOT THINK THAT THAT HAPPENED. ONE GENTLEMAN, THE ONE WHO HAD THE HARDEST TIME COMING TO THE DECISION, SAID THAT HE FELT THAT THE CITY WAS GETTING OFF ON A TECHNICALITY. AND I CAN SEE THAT ARGUMENT BEING MADE. I THINK IT'S MORE COMPLICATED THAN THAT, BUT THAT'S WHY I'M HERE, JUST TO SAY THAT THIS IS SOMETHING -- [ BUZZER SOUNDS ] -- THAT WE CAN ALL LEARN FROM AND THAT'S MY COMMENT AS A CITIZEN. THE ONE LAST THING I WANTED TO SAY IS THAT I THINK THE LEGAL TEAM DID A GREAT JOB FOR THE CITY. AS A TAXPAYER I WAS VERY PLEASED WITH HOW THEY DID THEIR JOB, THEY DID A GOOD JOB. THANKS.

Mayor Wynn: THANK YOU, AND FOR YOUR SERVICE AND ALSO FOR YOUR COMMENTS THAT IN FACT A LOT OF CHANGES HAVE BEEN MADE. THAT WAS 2002, I BELIEVE, AND SINCE THEN I HAVE SEEN THE POLICE DEPARTMENT CONSTANTLY WILLING TO LOOK AT NEW STRATEGIES, NEW TECHNOLOGIES, NEW TRAINING METHODS, NEW ORGANIZATIONS AND I THINK IT HAS MADE A DIFFERENCE. THANK YOU. I'M TOLD THAT RICHARD MAYER SENT US A NOTE SAYING HE WOULDN'T BE SPEAKING TODAY. SO OUR NEXT SPEAKER IS CAROL ANNE ROSE KENNEDY, WHO WILL BE FOLLOWED BY APRIL RITZENTHALER. SORRY IF I MISPRONOUNCED THAT, APRIL.

THANK Y'ALL FOR HAVING ME. (music) I'M DREAMING OF A WHITE CHRISTMAS... WHAT I DIDN'T KNOW UNTIL I WAS

GROWN WAS THAT WHAT THEY WERE THINKING WAS NOT WHAT I WAS THINKING THEY WERE THINKING. I WAS BORN RIGHT HERE IN AUSTIN, I GREW UP IN TEXAS AND I WILL DIE A TEXAN. I HAVE DONE MY FAIR SHARE OF RACIAL PROFILING, AND I'M NOT DONE YET. IT SERVES ME WELL. I HAVE LEARNED HOW TO DEFEND AND PROTECT MY MIND AND SOUL AND BODY AGAINST ALL ODDS AND EVERY COLOR FROM WHITE TO BLACK AND ALL THE WAY BACK. IRONICALLY THE OVERWHELMING NUMBER OF VITALS AGAINST MY HUMAN DIGNITY AND RESPECT HAVE BEEN WITHIN MY OWN CULTURE. AMAZING. MY MAIN PROBLEM IS WE ALL LOOK ALIKE, BUT THE WORST THING IS WE ALL TALK ALIKE. I HAVE HEARD OF AND/OR SEEN EVERY CRIME CHARGEABLE IN MY BANK, IN MY GOVERNMENT OFFICES, MY UNIVERSITY, MY POST OFFICE, MY BEDROOM, MY RENTAL PROPERTIES, MY CHURCHES, MY H. E. BUTT, MY WORKPLACES, MY ATTORNEY'S OFFICE. I DEFEND HIM. AND MY DOCTOR'S OFFICE. IT'S AN ENDLESS LIST. CRIMES COMMITTED BY WHITE MEN IN WHITE COLLARS, WHITE MEN IN BATHROOMS, WHITE MEN IN IVORY TOWERS, WHITE MEN IN THE FRONT OF THE BUS, AND LAST AND LEAST, WHITE MEN IN WHITE HOUSES. SAY I'M HAVING COFFEE AT STARBUCKS WITH MY FRIEND, MOHAMED, MOHAMED JOHNSON. IN WALLS OSAMA BIN LADEN AND HIS BOYS ALL CLEAN SHAFIN AND LOOKING AT COWBOYS OF COLOR, BUT SOUNDING AS INDIANS OF COLOR. I IMMEDIATELY I AM IMBURDEN MR. JOHN JOHNSON WITH 100% OF MY HOMELAND SECURITY. HE KNOWS THAT I KNOW THAT HE KNOWS THE LANGUAGE OF THE COLORED COWBOYS. ALL MEN ARE CREATED EQUAL? HA. IT SEEMS TO ME THEY LEFT OFF THE COLOR WHITE. LAW CREATORS AND ENFORCERS NEED TO PREACH WHAT WE WHITE BOYS PRACTICE. ROME IS HIS STORY. I SAY WHEN IN AMERICA DO AS THE TEXANS DO. THE FIRST STEP IS TO SPEAK ENGLISH. STEP TWO, CELEBRATE THE COLOR OF YOUR BIRTHDAY SUIT. THANK YOU.

Mayor Wynn: THANK YOU. OUR NEXT SPEAKER IS APRIL RITZENTHALER. WELCOME, APRIL. PROUD TO HAVE YOU HERE. [ APPLAUSE ]

HI. MR. FERNANDEZ HAS AGREED TO GO RIGHT AHEAD SO THAT WE COULD DO -- WE'VE GOT A COUPLE OTHER

SPEAKERS AFTER HIM.

Mayor Wynn: I SHOULD HAVE LOOKED AHEAD AND SEEN THAT. I WOULD HAVE DONE THAT FOR YOU. GAVINO, WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY THE LONE STAR ROLER GIRLS.

GAVINO FERNANDEZ WITH EL CONCILIO. MAYOR, ONCE AGAIN, I THINK IT'S VERY IMPORTANT, ESPECIALLY IN THIS ELECTION AND UPCOMING CYCLE THAT PEOPLE IN OUR COMMUNITY ARE ONCE AGAIN REMINDED OF THE CONTINUING NEGLECT OF PALM PARK. 1994 I RECALL WHEN THEN COMMISSIONER DELEON AND THE CITY TOGETHER CAME UP WITH A PLAN TO KEEP THE SWIMMING POOL GOING. YOU BUILT AN AIRPORT, YOU'VE BUILT A LAMAR BRIDGE. YOU'VE BUILT A JAIL AND PALM PARK STILL SITS THERE, NEGLECTED, A SAFETY HAZARD. AND FROM WHAT I UNDERSTAND FROM PARKS FOLKS, IT WILL TAKE 1.3 MILLION TO UPGRADE AND RENOVATE THAT SWIMMING POOL FOR PEOPLE IN THAT COMMUNITY, CHILDREN IN THAT COMMUNITY. AND PEOPLE SAY DON'T YOU GET TIRED OF GOING UP THERE? THEY ONLY LISTEN AND NEXT. THERE'S NO ACTION THAT'S HAPPEN WILLING. USUALLY WHEN I COME HERE IT'S NOT BECAUSE I EXPECT ACTION BECAUSE I THINK IT'S IMPORTANT THAT THE COMMUNITY, NOW THAT THEY'RE PAYING MORE TAXES, BE AWARE THAT IF THEY CONTINUE TO STAY HOME AND NOT VOTE, THIS IS WHAT'S GOING TO CONTINUE. BECAUSE AT THIS TIME THIS GOVERNMENT HAS BEEN A FAR CRY FROM INVESTING AND UPGRADING PARKS. AND I CITE PALM AS AN EXAMPLE JUST TO ILLUSTRATE THAT. 12 YEARS AND A BILLION DOLLARS EVERY YEAR FROM THERE ON, AND WE CAN'T FIND \$1.8 MILLION TO RENOVATE A SWIMMING POOL? AND IT RAISES QUESTIONS. FURTHER SOUTH WE HAVE A PARK WHERE YOU CAN TAKE A DOG AND YOU CAN WALK AND PROMENADE THERE. YOU SPEND MORE MONEY PROTECTING IT AND MAKING SURE THAT IS AVAILABLE TO THAT SECTOR OF THE COMMUNITY. SO BEFORE I CLOSE, I JUST WANT TO REMIND THE COMMUNITY THAT WE ARE HAVING A FORUM FOR THE MARCH DEMOCRATIC CANDIDATES AT NUEVO LEON. AND IN KEEPING WITH LULAC'S TRADITION, WE WANT TO MAKE SURE WE INCREASE VOTER PARTICIPATION. THAT'S THE ONLY WAY THAT WE'LL GET A VOICE AND WE'LL GET REPRESENTED IN

THIS GOVERNMENT, SO THAT WE CAN REALIZE EQUITY. AND PEOPLE MIGHT SAY, MY GOD, PALM PARK IS SUCH A SMALL THING. IT IS, BUT UNFORTUNATELY IT'S A REALITY. I'VE GOTTEN CALLS FROM PEOPLE THAT LIVE IN PEDERNALES LOFTS THAT THEY'RE HAVING PROBLEMS WITH THE TA VERN THAT Y'ALL DECIDED NOT TO DOWN ZONE ON SIXTH AND PLEASANT VALLEY. AND HE SAID I E-MAILED THE CITY MANAGER AND SHE E-MAILED ME BACK AND GAVE ME SOME HISTORY. I SAID YOU WERE LUCKY, YOU AT LEAST GOT A RESPONSE. BUT THAT SHOWS WE HAVE A LOT OF WORK TO DO. AND WE'RE WILLING TO WORK WITH THIS GOVERNMENT TO BRING EQUITY AND JUSTICE TO OUR PEOPLE. THANK YOU, COUNCIL. [ APPLAUSE ]

Mayor Wynn: THANK YOU, MR. FERNANDEZ. SO APRIL, WELCOME BACK. ALONG WITH AMY AND SAMANTHA AND OTHERS. GLAD Y'ALL ARE HERE. [ APPLAUSE ]

HI, MAYOR WYNN, HI, CITY MANAGER FUTRELL, ALL THE COUNCILMEMBERS. I APPRECIATE YOU GUYS LETTING US HAVE THIS TIME TODAY. WHEN WE SET UP THIS TIME LAST WEEK, IT WAS MORE IN A LITTLE BIT OF A DIRE SITUATION AND I HAVE TO SAY THAT THE CITY HAS REALLY COME THROUGH FOR US. YOU GUYS HEARD OUR PLEA AND YOU WENT ABOVE AND BEYOND WHAT WE WOULD HAVE EVER EXPECTED YOUR HELP TO BE AND I HAVE TO CREDIT YOU, CITY MANAGER, FOR THAT. I APPRECIATE IT VERY MUCH. THE HELP FROM RUDY GARZA IN YOUR OFFICE AND YOU GUYS HAVE BASICALLY OFFERED US THE CROWN JEWEL OF THE CITY FOR TWO WEEKS, AND WE COULDN'T BE ANY MORE GRATEFUL AND HAPPY FOR THAT. AND I APPRECIATE IT AND I APPLAUD YOU AND ALL THE MEMBERS THAT ARE HAVE COME TODAY APPLAUD YOU TOO. [ APPLAUSE ] BASICALLY I GUESS SINCE WE'RE HERE I'LL TELL YOU A LITTLE BIT ABOUT THE COMPANY. WE STARTED FIVE YEARS AGO AND WE HAVE DONE -- WE'VE BUILT OUR COMPANY WITHOUT ANY SORT OF LOANS. WE'VE DONE EVERYTHING GRASSROOTS. WE'RE A WOMEN OWNED BUSINESS. WE DO HAVE MEN AS MEMBERS, BUT ABOUT 75% OF IT IS WOMEN OWNED. AND LAST YEAR WE HAD THE OPPORTUNITY TO BE ON THAT TELEVISION SHOW, AND PART OF THE REASON THAT WE CHOSE TO DO THAT IS THE PRODUCERS CAME TO US AND IT WAS ACTION FIGURE, WHICH IS A LOCAL PRODUCTION COMPANY, AND

THEY SAID IT WAS VERY IMPORTANT TO THEM TO SHOW AUSTIN AS A THIRD CHARACTER. AND WE LIEBLGD WHAT THEY HAD SHOWN US. AND IT MADE ALL THE DIFFERENCE. THERE HAVE BEEN OTHER PEOPLE THAT APPROACHED IT AND IT WAS LIKE, PARTY, PARTY, AND IT WAS LIKE NO, IT'S ABOUT MORE THAN THAT IN THE CITY. SO WE DID BRING THAT INTO WE FELT LIKE THAT WAS SOMETHING THAT WE COULD GIVE BACK TO AUSTIN BECAUSE WE LOVE BEING HERE AND WE LOVE OUR CITY. AND WE ALSO HAVE A VERY HIGH COMMITMENT TO WORKING WITH LOCAL BUSINESSES. WE HAVE VENDORS THAT WORK WITH US THAT ARE ALL LOCAL. A LOT OF THEM RELY ON THEIR INCOME. WE HIRE LOCAL SOUND AND LIGHT PEOPLE. OBVIOUSLY OUR BAR, ETCETERA, AND WE'VE GOT PEOPLE THAT SELL THINGS AT THE GAMES. AND THE BIGGEST THING TOO IS BEYOND ALL OF THE ECONOMIC STUFF THAT WE BRING IS THAT WE BRING A COMMUNITY THAT FOCUSES ON ATHLETICS AND ALSO BRINGS THE OPPORTUNITY FOR WOMEN TO LEARN PIECES OF BUSINESS THAT THEY MAY NEVER HAVE BEEN ABLE TO. FOR EXAMPLE, I'M OBVIOUSLY LEARNING HOW TO WORK WITH THE CITY. [ LAUGHTER ] AND HOW TO WORK WITH AND HOW TO NAVIGATE PERMITS AND BUILDING CODES AND ETCETERA. WE HAVE DIFFERENT MARKETING MANAGERS, PR MANAGERS. THESE HAVE BEEN WOMEN THAT HAVE NEVER HAD THAT EXPERIENCE BEFORE. MAYBE THEY'RE JUST OUT OF COLLEGE KIND OF WORKING AT A RESTAURANT AND THEY'RE LIKE I DON'T WANT TO TRY THAT. SO THEY GET THE OPPORTUNITY TO LEARN IT IN A SUPPORTED ENVIRONMENT AND ARE ABLE TO USE THAT IN THEIR EVERYDAY LIFE. THAT'S JUST PART OF WHAT WE'RE ABOUT. BUT MOSTLY I'M HERE TODAY TO SAY THANK YOU SO MUCH. YOU GUYS HAVE REALLY DONE US A HUGE FAVOR AND WE WOULD ALSO LIKE TO CONTINUE TO HAVE A LONG-TERM RELATIONSHIP WITH THE CITY, AND WHEN WE DO, MAYBE HAVE TRAVELLING GAMES FROM OUTSIDE, WE CAN BRING THAT BACK TO THE CONVENTION CENTER, ETCETERA. ALL RIGHT. DO YOU HAVE ANYTHING TO ADD?

I'D JUST LIKE TO ALSO THANK YOU GUYS FOR YOUR HELP AND SAY THAT THIS HAS BEEN SUCH AN AMAZING EXPERIENCE FOR ME JOINING THIS LEAGUE. I FIND IT VERY EMPOWERING AND YOU SEE WOMEN COME IN WITH NOT

MUCH EXPERIENCE UNDER THEIR DEALT AND THROUGH THE ATHLETICISM AND THE SUPPORT OF THE LEAGUE REALLY BLOSSOM INTO VERY EMPOWERED WOMEN. AND I JUST HOPE AGAIN THAT THERE'S THE CONTINUED SUPPORT FROM THE CITY FOR US TO SUSTAIN OUR GAMES AND CONTINUE THIS THING THAT WE LOVE SO MUCH, AND THAT WE STARTED HERE IN AUSTIN, TEXAS. THANK YOU.

Mayor Wynn: YOU ALL ARE WELCOME. OF COURSE, IT'S KNOWN THAT CITY MANAGER TOBY FUTRELL IS A FRUSTRATED ROLLER GIRL HERSELF. [ LAUGHTER ]

DO YOU HAVE YOUR SKATE NAME YET?

I DON'T. BUT I DO NEED TO KNOW YOU GUYS HAVE DEVELOPED A BIG FAN IN BOB HODGE, THE DIRECTOR OF OUR CONVENTION CENTER.

YEAH, AND IT'S A BIG THANK YOU TO HIM TOO. HE'S BEEN WOCIALDFUL TO WORK WITH.

McCracken: WOULD YOU WORK ON A STATE NAME FOR TOBY?

I WILL. AND I WOULD LIKE TO THANK BETBETTY FOR MEETING WITH US ON TUESDAY. I SENT YOU GUYS LETTERS LAST WEEK AND IT WAS NICE TO KNOW THAT OUR CITY CAN REALLY COME THROUGH FOR US. THANK YOU.

Mayor Wynn: IF THOSE OF YOU ALL WATCHING AT HOME, THE ISSUE IS THE TEXAS ROLLER GIRLS HAVE REAL CHALLENGES, AND IT WASN'T IN MY OPINION BUREAUCRATIC CHALLENGES, IT WAS TRUE LIFE CHALLENGES WITH THE EXISTING BUILDING. AND WE HAVE A PHENOMENAL FIRE DEPARTMENT IN THIS TOWN. WE HAVE HAD ONE FIRE FATALITY IN AUSTIN IN THE LAST TWO AND A HALF YEARS. THAT'S UNHEARD OF IN 21st CENTURY URBAN AMERICA. BUT THE BUILDING THAT YOU ALL ARE PLANNING TO USE IS VERY CHALLENGED IN THAT REGARD FROM A FIRE SAFETY AND PUBLIC SAFETY STANDPOINT. AND SO WHAT HAS HAPPENED IS BOB HODGE, THE DIRECTORRER OF OUR CONVENTION CENTER DEPARTMENT, WHO OVERSEES THE NEW PALMER EVENTS CENTER, HAS OFFERED THAT FACILITY FOR THE NEXT COUPLE OF GAMES AND SO WHY DON'T YOU TAKE THIS

TOWNT TO PLUG THOSE EVENTS AND GIVE US THE TIMES AND THE DATES AND HOW FOLKS CAN GET TICKETS AND HOW WE CAN WATCH.

ABSOLUTELY. THE FIRST GAME IS GOING TO BE ON MARCH THE 16TH, WHICH IS A THURSDAY NIGHT. AND THAT'S GOING TO BE AGAINST THE LA DERBY DOLLS. THE NEXT GAME WILL BE ON THE 19TH, WHICH IS THAT SUNDAY NIGHT, AND IT'S GOING TO BE THE HOLLY ROLLERS VERSUS THE RYAN STONE COW GIRLS. THE FOLLOWING TWO WEEKS WILL BE MARCH THE 26TH AND THAT WILL BE THE HELL CATS VERSUS THE PDF'S. THE SOUTH BY SOUTHWEST ON THE 16TH, DOORS AT 7, GAME AT 8. THE OTHER TWO SUNDAY NIGHT GAMES, DOORS AT 6:00, GAME AT 7:00. THEY HAVE BANDS THAT ARE THERE. YOU CAN GET YOUR TICKETS AT FRONT GATE TICKETS.COM OR OUR WEBSITE, TXRD.COM. ON BEHALF OF THE LONE STAR ROLLER GIRLS, THANK YOU. AND ALSO I WANTED TO LET YOU KNOW TOO THAT THE LANDLORD HAS BEEN WORKING CLOSELY WITH THE FIRE AND ZONING DEPARTMENT AND I THINK THAT THEY'VE COME TO A COUPLE OF UP GRAITDZ THAT CAN BE MADE SO THAT WE'RE GOING TO BE ABLE TO GET BACK INTO PLAYING OUR GAMES IN APRIL. AND SO THAT'S GOING PRETTY QUICKLY RIGHT NOW.

Mayor Wynn: THANK YOU ALL, CONGRATULATIONS. [ APPLAUSE ]

MAYOR, I'D LIKE TO SAY A FEW WORDS. I WANTED TO SAY THANK YOU FOR YOUR WORK IN THIS AND I ATTENDED ONE OF YOUR NAMES AND I WAS STANDING IN A VERY, VERY LONG LINE TO GET IN IN THE HOT SUN, BUT IT WAS WORTH IT. AND Y'ALL Y'ALL ARE VERY TOUGH. SO GO, FIGHT, WIN. DEFINITELY I WISH YOU GUYS THE BEST OF LUCK FOR YOUR GAMES AND THIS IS A GREAT OPPORTUNITY FOR AUSTIN AND KIND OF NATIONALLY GETTING THE ATTENTION WE DESERVE FOR ALLOWING THIS SPORT OF THE ROLLER GIRLS TO CONTINUE.

THANK YOU SO MUCH. AND WE EXPECT TO SEE ALL OF YOU GUYS THERE AT THE CONVENTION CENTER. [ LAUGHTER ]

Mayor Wynn: THAT WAS A PLUG FOR VIP SEATING FOR THE

COUNCIL.

IT MIGHT HAVE ACTUALLY WORKED. [ LAUGHTER ]

Mayor Wynn: THANK YOU ALL. [ APPLAUSE ]

Mayor Wynn: OUR LAST SPEAKER IS MR. PAT JOHNSON. I THINK ONLY PAT COULD POSSIBLY FOLLOW THAT UP. WELCOME.

GOOD AFTERNOON, MAYOR, COUNCIL, MAYOR PRO TEM, AND OUR LOVELY CITIZENS THAT MAKE OUR CITY POSSIBLE TO OPERATE. TODAY'S TOPIC IS PREDATORY TOWING COMPANIES. PARK AT OUR OWN PERIL. TOW TRUCKS ARE LURKING. IT'S A FACT THAT 90% OF THE PARKING FACILITIES FAIL TO COMPLY WITH STATE LAW. IT'S A FACT THAT IF YOUR VEHICLE'S PICKED UP ON THE SECOND DAY AFTER IT'S BEEN IMPOUNDED IT'S \$205 PLUS TAX. IT'S A FACT THAT THE CITY OF AUSTIN HAS DONE ABSOLUTELY NOTHING OVER THE LAST 10 YEARS TO MANDATE COMPLIANCE OF STATE LAW BY PROPERTY OWNERS AND TOWING COMPANIES. A NOTARY PUBLIC HAS NO CLUE ABOUT THE STATE LAW, THE PARKING FACILITIES AND TOWING COMPANIES MUST OBEY. SEVERAL LOCAL TOWING COMPANIES ARE LISTED WITH THE BAD BUSINESS BUREAU, INCLUDING J AND J TOWING, WHO IS A SUBCOMMITTEE FOR CENTRAL PARKING AT WWW.RIP-OFF REPORT.COM. THERE IS NOT ONE PRIVATE PARKING FACILITY WITHIN SIX BLOCKS OF APD'S HEADQUARTERS OR THIS CITY HALL THAT VEHICLES ARE BEING LEGALLY TOWED. THEY'RE TOWING THEM ILLEGALLY EVERYDAY. OUR CITIZENS AND THE TOURISTS THAT COME TO OUR COMMUNITY EXPECT TO BE PROTECTED FROM THESE TYPE OF CRIMINAL OFFENSES. IT'S THE NEGATIVE IMPACT THAT THIS GIVES ON OUR COMMUNITY. THE RESPONSIBLE PARTIES FOR ILLEGAL TOWING IS CERTAIN MANAGEMENT COMPANIES, BUSINESS OWNERS, AGENTS OF PROPERTY OWNERS, TOWING COMPANIES, CERTAIN TOWING COMPANIES, AND WE HAVE SOME REALLY LEGIT COMPANIES OUT THERE, BUT WE HAVE SOME REALLY BAD ONES. THESE ARE ILLEGAL TOWING FINES. YOU WANT TO PULL UP AND LEFT IS A AND A WRECKER. ON THE RIGHT IS ASSURED TOWING. THE ONE ON THE LOWER LEFT IS AUSTIN EXPRESS. AND THE ONE ON THE LOWER RIGHT IS BIG A. THESE

TOWING SIGNS DO NOT COMPLY WITH STATE LAW. NEXT BUNCH IS WEST BANK LIBRARY. THIS IS OVER IN WEST BANK. THIS IS CENTRAL TOWING. MS. KRAMER IS VICE-PRESIDENT TO THE TOWN TOWING ASSOCIATION THAT WAS HERE AT THE LAST COUNCIL MEETING. THE OTHER ONE IS J AND J AND THERE'S ANOTHER ONE OVER AT FLASH. THE NEXT SIDE WE HAVE -- SLIDE WE HAVE PRECISION. AND THERE'S ONE THE CITY MADE, BUT THEY'VE CORRECTED IT FOR SOUTH SIDE. AND WE HAVE ANOTHER ONE DOWN HERE ON THE LOWER LEFT-HAND CLN IS SPECIAL AUTOMOTIVE. NONE OF THESE SIGNS COMPLY WITH STATE LAW OR A.P.D. AND PER THE STATUTE. THESE ARE ILLEGAL TOWING SIGNS. THERE'S A BIG DIFFERENCE IN A LEGAL SIGN AND AN ILLEGAL SIGN. AN ILLEGAL SIGN DOES NOT CONTAIN ALL THE REQUIRED TEXT THAT HAS TO BE ON THE SIGN. SHALL BEAR MEANS SHALL BEAR. A PROPERTY OWNER OR A TOWING COMPANY DOES NOT HAVE THE RIGHT TO MAKE UP THE WORDING OF A TOWING SIGN AND HIDE IT SOMEWHERE SO SOME UNSUSPECTING MOTORIST PULLS IN THERE AND GETS HIS CAR TOWED. ANY TOWING COMPANY THAT IS FOUND GUILTY OF A CRIMINAL OFFENSE IN CHAPTER 684, WHICH IS A MISS MISDEMEANOR NOW SINCE THE LAST SESSION OF THE LEGISLATURE, SHOULD NOT BE ALLOWED TO PARTICIPATE IN A.P.D. PROGRAMS. IF A WRECKER DRIVER IS FOUND GUILTY FOR VIOLATING THAT STATUTE, HIS LICENSE SHOULD BE REVOKED. LET'S NOT FORGET, AND I'LL REMIND EVERYONE, YOU TOOK AN OATH TO UP HOLD -- TO OBEY THE LAW AND UP HOLD THE CONSTITUTION. WE HAVE TO DO SOMETHING TO PROTECT OUR CITIZENS' POCKET BOOKS. YET THE TOWING ASSOCIATION REQUESTS A RATE INCREASE, THAT RATE INCREASE SHOULD BE BASED ON THE FACT, IF THEY'RE GOING TO COMPLY WITH THE STATUTE. IF THEY'RE NOT GOING TO COMPLY WITH STATE LAW THEY SHOULD NOT BE ALLOWED TO OPERATE IN OUR CITY. WE DESERVE MORE. AND COUNCILMEMBER MCCRACKEN, YOU KNOW WHAT THE LAW IS BECAUSE YOU'RE AN ATTORNEY. THE DEPARTMENTS ARE TAUGHT IN A LEGAL SEMINAR EACH YEAR BY LARRY KNEEMAN WHO IS THE GENERAL COUNSEL FOR TAA AND THOSE MANAGEMENT COMPANIES KNOW THEY CANNOT ACCEPT BENEFITS FROM LOW TOWING COMPANIES, BUT THEY DO IT EVERYDAY. AND THIS NEEDS TO STOP NOW. OUR CITIZENS DESERVE BETTER. THE POLICE WILL DO

SOMETHING, THEY'VE JUST GOT TO BE GIVEN THE DIRECTION. BUT NOW THEY DON'T HAVE A CHANCE TO WAIT FOR DIRECTION BECAUSE THEY'RE A POLICE OFFICER, THEY HAVE TO UP HOLD THE LAW AND THEY CAN'T PICK AND CHOOSE WHICH LAW THEY'RE GOING TO ENFORCE. SO IN THE END, MAYOR, THIS COMMENT HERE IS NOT DIRECTLY AS A DISTASTEFUL COMMENT, BUT THAT RESIDENTIAL AREA THAT YOU LIVE IN ON EIGHTH AND RIO GRANDE, THAT PARKING LOT, ANYTHING THAT'S BEEN TOWED OUT OF THAT GARAGE IS ILLEGALLY TOWED BECAUSE THE SIGN DOES NOT FLY COMPLY. IT USED TO BE A J AND J SIGN AND THEN THEY PUT A AND A WRECKER ON IT. SO I WOULD ASK THAT SINCE YOU BEING THE MAYOR OF THIS COMMUNITY THAT YOU WOULD STOP ALL THE TOWING IN THAT GARAGE UNTIL IT'S IN COMPLIANCE WITH STATE LAW, BECAUSE THAT JUST SENDS A WRONG MESSAGE. SO COUNCIL,, I'VE BEEN TALKING ABOUT THESE TOWING RELATED ISSUES NOW FOR TWO YEARS. IT'S KIND OF CONSUMED MY LIFE BECAUSE I GOT INVOLVED IN WRITING THE STATUTE. BUT IT WAS WRITTEN FOR ONE SPECIFIC PURPOSE, TO PROTECT OUR CITIZENS. OUR CITIZENS ARE TIRED OF BEING SCREWED. YOU KNOW, THE COMMANDER SAID THE OTHER NIGHT IN A STORY ON MASSAGE PARLORS THAT WE DID NOT HAVE THE MANPOWER. PROSTITUTION OF MORE OF AN OFFENSE AND A CRIME THAT WE WERE LOOKING AT DEALING WITH.

Mayor Wynn: MR. JOHNSON, PLEASE CONCLUDE. YOUR THREE MINUTES HAS LONG EXPIRED.

YES, MAYOR. SO WHEN A PROPERTY OWNER HAS TO GO PICK HIS CAR UP AND HE -- THERE'S NO ARGUING OVER THERE AT THE TOE YARD. MOST OF THEM ARE REALLY RUDE. THEY PAY THAT 205, \$220 TO GET THEIR CARS BACK, THEY'VE BEEN -- IT'S REALLY RIDICULOUS, COUNCIL. I WOULD HOPE THAT THESE REVISION OF THESE RULES ARE SUPPOSED TO COME BACK TWO YEARS AGO. A.P.D. HAS THE COMMAND STAFF IN PLACE NOW AND WE HAVE A NEW DETECTIVE COMING IN JUNE THAT'S GOING TO DEAL WITH THIS ISSUE.

Mayor Wynn: THANK YOU, MR. JOHNSON. SPEAKING OF COMMAND STAFF, I WOULD LIKE TO ASK ASSISTANT CITY MANAGER RUDY GARZA -- AND YOUR PHOTOS. THANK YOU,

RUDY. CAN YOU HELP WITH THE RESPONSE AND EDUCATE COUNCIL, PLEASE?

MAYOR, CITY COUNCIL, RUDY GARZA, ASSISTANT CITY MANAGER OVER PUBLIC SAFETY. I CAN TELL YOU WE DO RECEIVE REGULAR INFORMATION ON A CONSISTENT BASIS FROM MR. JOHNSON AND WE LOOK INTO ALL HIS CONCERNS. IN ADDITION TO THAT OUR CITIZENS ARE ABLE TO CONTACT OUR TOWING DIVISION. WE PURSUE ALL OF THE ISSUES. WE PURSUE ALL OF OUR CONCERNS WITH VIOLATIONS OF LAW, VIOLATIONS OF CURRENT ORDINANCES. PART OF OUR LIMITATION, OF COURSE, IS ON A RESOURCE. IT'S NOT REASONABLE TO BELIEVE THAT WE CAN BE OUT THERE IN THE ENTIRE CITY TO ADDRESS EVERY SINGLE CONCERN THAT COMES OUT WAY, HOWEVER, WE HAVE EXPANDED THE STAFF IN OUR TOWING DIVISION. WE ARE LOOKING TO DO THAT AGAIN IN THE NEXT BUDGET, BUT I WOULD ALSO LIKE TO ASK DAVID DOUG DOUGLAS TO ADDRESS SOME OF THE LEGAL CONCERNS THAT MR. JOHNSON HAS RAISED.

Mayor Wynn: WELCOME, MR. DOUGLAS.

THANK YOU. DAVID DOUGLAS WITH THE LAW DEPARTMENT. A COUPLE OF THINGS THAT MR. JOHNSON MENTIONED WITH REGARD TO TOWING COMPANIES BEING ALLOWED TO PARTICIPATE IN THE A.P.D. ROTATION LIST PROGRAM. THE ROTATION LIST HAS TO DO WITH LISTS KEPT BY THE POLICE DEPARTMENT OF TOWING COMPANIES THAT ARE IN COMPLIANCE WITH THE LAW, VARIOUS LAWS AND ORDINANCES, AND THEY ARE ALLOWED -- THEY'VE BEEN CALLED ON THIS ROTATION BASIS TO COME OUT TO ACCIDENTS AND THEY HAVE RESPONSE TIMES AND WHATNOT TO MEET. ONE OF THE THINGS WE ARE DOING IN OUR ORDINANCE REWRITE THAT WE HAVE RECENTLY -- IN FACT, THIS WEEK WE HAVE SHOWN TO THE TOWING ASSOCIATION AND WILL BE AGAIN MEETING VERY SOON WITH THE REST OF THE TOWING INDUSTRY, IS CLARIFYING THE POLICE CHIEF'S AUTHORITY TO REMOVE FROM THE ROTATION LIST ANY TOWING COMPANY THAT DOES NOT COMPLY WITH STATE LAW, PARTICULARLY MORE SAFETY RELATED THINGS SUCH AS INSURANCE, THE MOTOR CARRIER REGISTRATION AND VIOLATIONS REGARDING SAFETY. BUT THIS COULD BE ANY OF THE VIOLATIONS THAT

RELATE TO THEIR ABILITY TO PROPERLY SERVE THE PUBLIC CAN BE A GROUNDS FOR REMOVING THEM FROM ROTATION. WE ARE GOING TO BE BRINGING FORWARD TO YOU IN THE NEXT FEW WEEKS, ONCE EVERYONE HAS HAD A CHANCE TO LOOK AT THE DRAFT ORDINANCE, SOMETHING THAT WILL CLARIFY THE CHIEF'S AUTHORITY TO MAKE THESE REMOVALS. AS TO ILLEGAL SIGNS, I AM SURE THAT THERE ARE A LOT OF SIGNS THAT WE COULD GO OUT AND FIND AROUND TOWN THAT DON'T COMPLY WITH EVERY SINGLE REQUIREMENT OF STATE LAW. I THINK WE'VE DISCUSSED THIS BEFORE. AND AS TO SOME CITY SIGNS, WE WENT OUT AND LOOKED AT THEM AND MADE SURE THEY FOLLOWED THE LETTER OF THE LAW. THERE ARE REQUIREMENTS IN TERMS OF SIZE, COLOR, EXACT WORDING, THE ORDER OF THE WORDING, AND ALTHOUGH THE POLICE DEPARTMENT DOESN'T HAVE THE RESOURCES EVERYDAY TO GO OUT AND DEAL WITH THOSE, THEY DO IN RESPONSE TO SPECIFIC COMPLAINTS GO OUT AND DEAL WITH THOSE ISSUES AT PARTICULAR LOCATIONS, BUT THE PUBLIC HAS OTHER REMEDIES THAT WHEN THEY PICK UP THEIR CAR, IF THEY FEEL THEY WERE UNLAWFULLY TOWED, THE VEHICLE STORAGE FACILITY HAS TO GIVE THEM NOTICE IN WRITING, THEY ARE GIVEN THAT NOTICE EACH TIME, IF THEY FEEL LIKE THERE WAS ANYTHING WRONG WITH THE TOWING, A HIDDEN SIGN, SOME SUBTERFUGE BY THE TOWING COMPANY, THEY CAN ASK FOR A HEARING AND THEY CAN GET THEIR MONEY BACK. AND IT HAPPENS ALL THE TIME. BUT SOME OF THOSE ISSUES GO WAY BEYOND A TECHNICAL VIOLATION OF THE WORDING IN THE SIGN. SO THOSE ARE SOME ISSUES THAT THE POLICE DEPARTMENT DOES CONTINUE TO LOOK AT AND WE ARE GOING TO BE ADDRESSING SOME OF THOSE IN THE ORDINANCE THAT WILL BE BROUGHT TO YOU WITHIN THE NEXT FEW WEEKS.

Mayor Wynn: THANK YOU, MR. DOUGLAS.

MAYOR AND COUNCIL, WE DID MEET WITH THE TOWING ASSOCIATION ON TUESDAY TO REVIEW THE PROPOSED CHANGES. WE WILL BE COMING BACK TO COUNCIL ONCE WE RECEIVE FEEDBACK FROM THE TOWING ASSOCIATION. OBVIOUSLY THERE'S A LOT OF CONCERNS THAT WE HAVE. FIRST AND FOREMOST WITH THE SAFETY OF OUR CITIZENS THAT ARE HAVING TO USE THIS SERVICE AND ALSO TO MEET

THE NEEDS REGARDING OUR TRAFFIC SITUATIONS AND ALSO THE NEEDS OF THE TOWING ASSOCIATION. SO WE'LL BE BACK TO COUNCIL WITH SOME PROPOSED AMENDMENTS IN THE NEXT SEVERAL WEEKS.

Mayor Wynn: THANK YOU, MR. GARZA. QUESTIONS, COMMENTS, COUNCIL? COUNCILMEMBER ALVAREZ.

Alvarez: MAYOR, I ASSUME WE MIGHT BE TAKING A BREAK FOR LUNCH, AND EXECUTIVE SESSION ITEMS, BUT I KNOW THERE WERE TILL SOME FOLKS HERE ON THE SHOAL CREEK ITEM, AND IT SEEMS LIKE THAT MAY NOT BE AN ISSUE -- IT MAY BE AN ISSUE THAT WE DO HAVE SOME DISCUSSION ON AND THAT WE MAY NOT NECESSARILY RESOLVE BEFORE WE GO ON BREAK, BUT THAT IF WE AT LEAST STATE THAT THE ITEM WON'T COME UP BEFORE ABOUT 3:30 P.M., THEN AT LEAST IT GIVES THOSE INDIVIDUALS WHO ARE WAITING PART OF THEIR DAY BACK. BECAUSE I ASSUME WE HAVE ENOUGH EXECUTIVE SESSION ITEMS TO TAKE US UNTIL 2:00 PROBABLY.

Mayor Wynn: RIGHT. THANK YOU, COUNCILMEMBER. IN FACT, EARLIER MS. GENTRY HAD A NUMBER OF STUDENTS FROM THE UNIVERSITY OF TEXAS WHO ARE INTERESTED IN THE ITEM ASK HER ABOUT IT, AND I WAS ABLE TO TELL THEM THAT I ANTICIPATED TAKING IT UP JUST PROBABLY -- FRANKLY, JUST PRIOR TO OUR 4:00 ZONING HEARINGS. SO I APOLOGIZE FOR NOT GETTING THAT INFORMATION OUT TO EVERYBODY. BUT FOR FOLKS WHO ARE STILL WAITING TO HEAR OR SEE THE PRESENTATION AND DISCUSSION ON ITEM NUMBER 21 RELATED TO SHOAL CREEK RESTRIPING, I DO ANTICIPATE THAT OCCURRING LATE IN THE AFTERNOON JUST PRIOR TO OUR 4:00 ZONING CASES. SO I APOLOGIZE FOR NOT GIVING YOU THAT INFORMATION EARLIER.

Alvarez: THANKS, MAYOR.

Mayor Wynn: THANK YOU, COUNCILMEMBER. SO WITHOUT OBJECTION, THEN, COUNCIL, WE WILL GO INTO CLOSED SESSION PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT TO DISCUSS POTENTIALLY AGENDA ITEMS 40 RELATED TO AN APPEAL AFTER SITE PLAN GENERALLY KNOWN AS TUMBLEWEED. ITEM NUMBER 42 RELATED TO

POTENTIAL CHARTER AMENDMENTS ON THE '06 MAY BALLOT. AND 45 RELATED TO THE SAVE OUR SPRINGS ALLIANCE, INC. VERSUS CITY OF AUSTIN. WE MAY ALSO TAKE UP PURSUANT TO SECTION 551.086, ITEM NUMBER 46, RELATED TO ELECTRIC POWER GENERATION RESOURCE PLANNING ISSUES. WE ARE NOW IN CLOSED SESSION. I ANTICIPATE US BEING IN CLOSED SESSION AT LEAST UNTIL 2:00 P.M., AND AT SOME POINT THEREAFTER WE'LL COME OUT AND HAVE TWO PUBLIC BRIEFINGS ON COMMERCIAL DESIGN STANDARDS AND JOINT USE FACILITIES AND THEN WE'LL TAKE UP ITEM NUMBER 21 JUST PRIOR TO OUR 4:00 ZONING HEARINGS. WE ARE NOW IN EXECUTIVE SESSION. THANK YOU.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. IN EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT WE TOOK UP AGENDA ITEMS 40 RELATED TO A SITE PLAN APPEAL KNOWN AS TUMBLE WEED, ITEM 42 RELATED TO CHARTER AMENDMENTS, ITEM 44 RELATED TO SAVE OUR SPRINGS AL ALLIANCE, INC., VERSUS THE CITY OF AUSTIN. ALSO THE COMPETITIVE MATTER FOR AUSTIN ENERGY. WE NOW GO TO OUR AFTERNOON BRIEFINGS. WE HAVE TWO POSTED. THE FIRST OF WHICH IS THE REGARDING NATIONAL BEST PRACTICES ON COMMERCIAL DESIGN STANDARDS. WE SPENT OVER A YEAR OR MORE WORKING ON THIS ISSUE, I WOULD LIKE TO RECOGNIZE CITY COUNCIL MEMBER BREWSTER MCCRACKEN.

McCracken: THANKS, MAYOR, WE ARE VERY FORTUNATE TO HAVE CHRIS AND MATT WITH CLARION ASSOCIATES OUT OF DENVER WHO HAVE DONE REALLY THE BEST CODE WORK AROUND THE COUNTRY IN THE -- THE ONE THAT I WAS MOST FAMILIAR WITH BEFORE THE CITY HIRED CLARION WAS THEIR NATIONAL ACCLAIMED WORK DOING LEWISVILLE'S CODE. WE SINCE LEARNED THEY DID THE FORT COLLINS CODE, ALSO A BIG INFLUENCE ON OUR TASK FORCE. ANYWAY, WE ARE VERY FORTUNATE TO HAVE CHRIS AND MATT HERE FROM DENVER. CHRIS IS A FOREMAN CITY COUNCIL MEMBER HIMSELF. AND THE AUTHOR OF NEIGHBORHOOD FRIENDLY COMMUNITIES AND THEY HAVE A LOT OF BRING AND HAVE BEEN A BIG HELP.

MR. MAYOR, COUNCILMEMBERS, DELIGHTED TO BE HERE.

MY NAME IS CHRIS DIRKSON, IN ADDITION TO BEING A FORMER COUNCILMAN, AS I TOLD BREWSTER, I'M ALSO A LAND USE ATTORNEY. HE SAID WHAT IS THAT? I SAID WELL WE ARE THE GUYS WHEN WE GO UP TO THE MOUNTAINS IN COLORADO AND GO SKIING WITH OUR FRIENDS, WE CURL UP WITH ZONING CODES INSTEAD OF GOING TO THE HOT TUBS AT NIGHT. SO WE ARE VERY EXCITED TO BE INVOLVED WITH YOU ALL HERE BECAUSE THIS IS A -- AN EXCITING PROJECT, PEOPLE ARE WATCHING IT AROUND THE COUNTRY. AUSTIN HAS ALWAYS BEEN A LEADER IN LAND USE AFFAIRS, SO WE ARE DELIGHTED TO BE HERE WITH YOU. WHAT I WOULD LIKE TO DO TODAY IS SUMMARIZE -- LET ME SEE IF I CAN MAKE THIS THING WORK. GIVE YOU A BRIEF SUMMARY OF A PROJECT THAT YOU ARE WORKING ON WITH COUNCILMEMBER MCCRACKEN AND HIS LAND USE COMMITTEE. TALK ABOUT WHERE YOU FIT IN SOME OF THE NATIONAL CONTEXT HERE, BECAUSE A LOT IS GOING ON AROUND THE COUNTRY. AND WE WANT TO GIVE YOU A SENSE OF WHERE YOU ARE WITH REGARD TO SOME OF THESE COMMERCIAL DESIGN STANDARDS AND THEN TALK ABOUT SOME OF THE RECOMMENDATIONS THAT WE ARE MAKING ON THE REPORT THAT THE LAND USE COMMITTEE HAS RECENTLY PRODUCED. IT'S REALLY A TWO-STEP PROCESS, THIS PROJECT THAT WE HAVE BEEN WORKING ON. ONE, AS I SAID, WE HAVE BEEN ASKED TO REVIEW THE TASK FORCE POLICY REPORT ON DESIGN STANDARDS FOR THE CITY AND MAKE SOME RECOMMENDATIONS. THIS IS A VERY MEATY DOCUMENT, VERY THOUGHTFUL, A LOT OF KEY DESIGN ISSUE THERE. SO MY PARTNER MATT GOBEL WILL IN JUST A BIT TALK ABOUT THOSE RECOMMENDATIONS, SOME OF OUR PERSPECTIVES ON IT. I ALWAYS LIKED TO KNOW AS A COUNCILMEMBER WHAT THE HOT BUTTON ISSUES WERE, WE ARE GOING TO HIGHLIGHT A LOT OF THOSE FOR YOU, NOT GO THROUGH THIS ENTIRE REPORT. IT'S LENGTHY. THE SECOND STEP IS AFTER WE GET GUIDANCE FROM ALL OF YOU, WE GOT GUIDANCE FROM THE LAND USE COMMITTEE YESTERDAY, WE ARE GOING TO START DRAFTING AN ORDINANCE TO ACTUALLY IMPLEMENT THAT. THERE'S AN OLD SAYING IN OUR PROFESSION, OLD PLANNERS NEVER DIE, THEY JUST LOSE THEIR IMPLEMENTATION. WE ARE GOING TO DO THAT. THAT'S THE TOUGH STUFF. HOPEFULLY WE WILL BE BACK IN A COUPLE OF MONTHS AND BE TALKING

ABOUT IMPLEMENTATION AND HAVE AN ORDINANCE FOR YOU. JUST REAL QUICK, BREWSTER ASKED US TO GIVE YOU A LITTLE BIT OF BACKGROUND OF WHERE WE HAVE BEEN DOING WORK. WE HAVE WORKED AROUND THE COUNTRY, WE ARE BASED IN DENVER, WE HAVE OFFICES IN CHICAGO, MATTER NORTH CAROLINA, CINCINNATI. WE HAVE WORKED ON A LOT OF CODE AND DESIGN STANDARDS PROJECT IN PROGRESSIVE COMMUNITIES, IN LOUISVILLE KENTUCKY WE DID THE FIRST FORM BASED APPROACH SIMILAR TO WHAT YOU ARE DOING NOW, PETERCAL CALTHORP, IN THE RESEARCH TRIANGLE AREA IN RAL RALEIGH, NORTH CAROLINA. NORTH OF HERE, BOOMER -- NORMAL, IT'S IN NORMAN, OKLAHOMA, SOONER TOWN, WE WERE TOLD NOT TO MENTION THAT, WE HAVE WORKED IN NORMAN, BOULDER, SOME OTHER BIG-12 COMMUNITIES. ONCEONES THAT ARE PROGRESSIVE, AS YOU WILL SEE DOING SOME OF THE SAME THINGS THAT YOU ARE TALKING ABOUT DOING. IT'S USEFUL TO PRESIDENT AUSTIN'S DESIGN POLICIES IN CONTEXT, KIND OF WHERE YOU STAND. THERE ARE A LOT OF OTHER COMMUNITIES WHO ARE -- HAVE PLUNGED IN HEAD-LONG THIS -- IN THE EARLY 1990S IN THE LAST FEW YEARS IN THE WHOLE ISSUE OF COMMUNITY DESIGN, COMMERCIAL DESIGN STANDARDS. SO A LITTLE HISTORY HELPS HERE, I THINK. JUST TO GET A SENSE OF WHERE YOU ARE. DESIGN STANDARDS TYPICALLY FIT IN THE LAND USE CODE, IN A ZONING CODE, I WANT TO START THERE. THIS WHOLE MOVEMENT TOWARDS COMMUNITY APPEARANCE, COMMUNITY DESIGN REALLY DID START BACK IN THE 1920S WITH WHAT WE LAND USE LAWYERS CALL TRADITIONAL EUCLIDIAN ZONING. WHEN I WAS A YOUNG ATTORNEY I THOUGHT THAT TYPE OF ZONING WAS NAMED AFTER SOME GREAT MATH MET MATHEMATICIAN BECAUSE THEY DIVIDED CITIES UP INTO INDUSTRIAL DISTRICTS, RESIDENTIAL DISTRICTS. IT REALLY COMES FROM ONE OF THE FIRST CITIES TO ADOPT ZONING, THE CITY OF EUCLID, OHIO. THE IDEA OF THESE EARLY CODES WAS TO SEPARATE USES, TO KEEP COMMERCIAL AWAY FROM RESIDENTIAL AND TO PUT INDUSTRIAL SMOKE STACKS THAT YOU SEE ON THE PICK, PUT THOSE A LONG WAYS AWAY. WHAT HAPPENED IN OHIO IS A FELLOW HAD SOME LAND THAT WAS ZONED FOR INDUSTRIAL DEVELOPMENT AND THE CITY SAID WE ARE GOING TO CHANGE THE ZONING TO RESIDENTIAL. HE SUED,

IT WENT ALL THE WAY UP TO THE UNITED STATES SUPREME COURT. AND JUSTICE ROBERT SOUTHERLAND, THAT'S HIS PICTURE THERE, JUSTICE BOB, A VERY CONSERVATIVE JUSTICE IN A VERY CLOSE CASE UPHELD ZONING. HE WROTE THE MAJORITY OPINION AND I'VE OFTEN THOUGHT WHAT WOULD HAVE HAPPENED IF THEY DECIDED IT THE OTHER WAY. AUSTIN PROBABLY WOULD LOOK LIKE HOUSTON TODAY. BUT WE GOT ZONING AND SO COMMUNITIES, PROGRESSIVE COMMUNITIES AROUND THE COUNTRY ADOPTED ZONING AND THEY OFTEN HAD DESIGN STANDARDS IN THEM. THEY CONTROLLED THE HEIGHT. THEY CONTROLLED THE BULK OF BUILDINGS. THEY REQUIRED SOLAR ACCESS, NEW YORK CITY'S ZONING ORDINANCE IN 1916 CONTROLLED SOLAR ACCESS SO BUILDINGS COULD GET LIGHT. THERE WAS A GREAT MOVEMENT IN THE COUNTRY, ODDLY ENOUGH IT WAS PUSHED BY A REPUBLICAN ADMINISTRATION, HERBERT HOOVER WHO WAS HEAD OF THE DEPARTMENT OF COMMERCE CAME ONE THE STANDARD ZONING ENABLING LEGISLATION, HAD DESIGN STANDARDS IN IT, HE PUSHED THAT AROUND THE COUNTRY. AND -- COMMUNITIES STARTED ENACTING ZONING ORDINANCES. IN THE 1930S WE SAW A LOT OF HISTORIC PRESERVATION ORDINANCES AROUND THE COUNTRY, AFTER THE EUCLID CASE, CITIES GOT BOLDER IN NEW ORLEANS, SAVANNAH. IN 1954 THE UNITED STATES SUPREME COURT WAS ASKED ABOUT REGULATIONS THAT -- THAT -- THAT ADDRESSED COMMUNITY APPEARANCE AND AESTHETICS. AND THEY HAD SOME VERY STRONG LANGUAGE IN A CASE CALLED BERMAN VERSUS PARKER THAT OPENED THE DOOR TO EVEN MORE DESIGN STANDARDS THROUGHOUT THE COUNTRY. WE SAW PLANNED UNIT DEVELOPMENTS, THEY WEREN'T BOLD ENOUGH TO WRITE DESIGN STANDARDS, THEY WERE NEGOTIATING THEM IN P.U.D. ORDINANCES. WE SAW A LOT OF P.U.D.ES THAT HAD LANDSCAPING, SIGNAGE CONTROLS, EVEN MIXED USE REQUIREMENTS. FINALLY IN 1978, THE DAM SORT OF BURST IN A CASE CALLED PENN CENTRAL TRANSPORTATION COMPANY VERSUS NEW YORK CITY, THE SUPREME COURT SPECIFICALLY ENDORSED DESIGN STANDARDS. YOU SEE THE BUILDING HERE, GRAND CENTRAL TERMINAL, THEY PRESERVED THAT AGAINST DEMOLITION. AND THAT CASE REALLY UNLEASHED THE

FLOOD GATES AND SINCE THEN, SINCE THE EARLY 1980S, NUMEROUS CITIES NOW, WE DON'T WRITE A DEVELOPMENT CODE ANYWHERE, ANY LONGER IN A MAJOR PROGRESSIVE CITY THAT DOESN'T HAVE THE KIND OF COMMERCIAL AND OTHER DESIGN STANDARDS THAT YOU ARE NOW CONSIDERING. THESE -- IN THE 1980S, WHEN THESE ORDINANCES WERE FIRST BEING WRITTEN, WHEN I WAS JUST OUT OF LAW SCHOOL, IT REALLY WAS PRETTY EXCITING TIMES. THEY WERE STARTING TO REGULATE THINGS LIKE BUILDING MATERIALS. THIS BUILDING HERE THAT'S IN THE BAG BACKGROUND IS A BRICK -- I THINK IT'S A STARBUCKS IF WE LOOK CLOSELY. IS THAT RIGHT? REQUIRING BRICK ON THESE BUILDINGS. REQUIRING HEAVY LANDSCAPING. REQUIRING SIGNS TO BE MONDAY YOUMENTS INSTEAD OF POLE SIGNS. THAT WAS KIND OF THE FIRST GENERATION OF ORDINANCE THAT'S WE SAW WHEN I FIRST GOT INTO PRACTICE AND IN THE LATE 70s, EARLY '80S, AUSTIN HAS ALREADY A NUMBER OF THESE THINGS ON THE BOOKS. BUT THE COMMUNITIES ARE GOING QUITE A BUILT BEYOND THAT NOW. WE ARE SECOND AND WHAT I CALL THIRD GENERATION ORDINANCES AS COMMUNITIES CONCENTRATE ON QUALITY OF LIFE. PEOPLE ARE REALIZING THAT THEY ARE NOT COMPETING FOR JOBS ANYMORE BASED ON THE LOWEST COMMON DENOMINATOR, THEY ARE COMPETING FOR JOBS BASED ON QUALITY OF LIFE FOR THE EMPLOYEES. SO AGAIN YOU ARE SEEING PLACES LIKE FORT COLLINS, NORMAN, OKLAHOMA, PORTLAND, SAN DIEGO, ADOPTING COMMERCIAL AND OTHER DESIGN STANDARDS. WHAT DO THEY LOOK AT? THEY ARE LOOKING AT THINGS LIKE BUILDING DESIGN. PROHIBITING A BIG BOX RETAILERS FROM BUILDING LONG BLANK WALLS WITHOUT WINDOWS OR DOORWAYS. THEY ARE REQUIRING PEDESTRIAN CONNECTIONS WITHIN A SITE AND TO ADJACENT BUILDINGS AND PUBLIC SITES. THEY ARE REQUIRING NOT ONLY ALLOWING MIXED USE NOW, WHERE IT WAS FORBIDDEN UNDER UCLIDIAN ZONING, THEY ARE REQUIRED MIX USED IN SOME OF THESE AREAS. EVEN CONSERVATIVE, YOU SEE A DESIGN MANUAL WE DID THERE ON MY RIGHT, THE MIXED USE DEVELOPMENT DESIGN MANUAL FOR COLORADO SPRINGS. AS YOU PROBABLY KNOW, IT'S A VERY CONSERVATIVE INJURIES DICK, IT'S HOME OF FOCUS ON THE FAMILY, EVEN COLORADO SPRINGS

WHICH IS NOT A HOT BED OF LAND USE ACTIVISM, THEY ARE FOCUSING ON ISSUES LIKE MIXED USE, ADOPTED AN ENTIRE MANUAL FOR MIXED USE DESIGN. WE HAVE SEEN THE RISE OF SO-CALLED FORM BASED REGULATION. A TERM POPULARIZED BY THE NEW URBANNISTS. THERE'S PETER. HE'S BEEN ONE OF THE ADVOCATES OF FORM BASED ZONING. WHICH PUTS AN EMPHASIS NOT SO MUCH ON THE USE OF BUILDINGS, BUT WHERE THEY ARE PLACED ON THE SITE AND THE SHAPE OF THOSE BUILDINGS, THE NEW URBANNIST BUILDING HAS STRESSED THE IMPORTANT OF PUBLIC SPACES AND STREETS. ALL OF THESE THINGS CAME TOGETHER IN LOUISVILLE, KENTUCKY WHERE WE WORKED SIX OR SEVEN YEARS. WHAT THEY DID IS SIMILAR TO WHAT YOU ALL ARE PROPOSING NOW IN TAKING A LOOK AT. LOUISVILLE DIDN'T WANT TO CHANGE ITS UNDERLYING ZONING REGULATIONS BECAUSE THEY HAVE THE DISTRICTS ALREADY SET, TO REZONE THE WHOLE CITY WOULD HAVE BEEN VERY DIFFICULT. WHAT THEY DID IS CAME BACK WITH FORM BASED OVERLAY ZONES. AND WHAT THEY DID IS TO FOCUS ON A NUMBER OF ISSUES THAT I'LL TALK ABOUT IN JUST A SECOND. BUT THEY DISTINGUISHED, IT WAS IMPORTANT THEY DISTINGUISHED BETWEEN THE DIFFERENT KIND OF NEIGHBORHOODS IN THE COMMUNITY. THEY LOOKED AT SOME OF THE OLDER AREAS, THE TRADITIONAL MARKETPLACE CORRIDOR THAT YOU SEE THERE. THEY DISTINGUISHED THOSE REGULATIONS AND TAILORED THOSE COMPARED TO SOME OF THE SUBURBAN NEIGHBORHOODS. ANOTHER THING THEY DID THAT WAS SMART WAS THEY SAID, LOOK, THE REGULATIONS FOR DESIGN FOR LOCAL ROADWAYS OUGHT TO BE DIFFERENT THAN FOR ARTERIALS AND ONES WITH A LOT OF TRAFFIC. I MENTION THAT BECAUSE THOSE ARE SOME OF THE INNOVATIONS THAT YOUR STUDY THAT -- THAT THE DESIGN STANDARDS STUDY ALSO TAKES UP. I JUST WANT TO FOCUS ON ABOUT FOUR OR FIVE KEY ISSUES THAT ARE -- WERE SEEN AROUND THE -- WE'RE SEEING AROUND THE COUNTRY BECAUSE THESE ARE ISSUES AND TOPICS THAT ARE IN FOCUSED ON IN THE DESIGN STANDARDS STUDY THAT YOU HAVE BEFORE YOU. FIRST ISSUE, I WANT TO TALK ABOUT IS BUILDING PLACEMENT AND ORIENTATION. WHY DO YOU CARE ABOUT THIS? WELL, IF YOU HAVE GOT THE BUILDING SETBACK FAR ON THE FAR END OF THE SITE, IT'S NOT VERY ATTRACTIVE

TO PEDESTRIANS. SO WHAT WE ARE SEEING IN THE OLD ZONING ORDINANCES, THE ONLY THING THAT YOU SEE IS -- IS PERHAPS THEY HAD MINIMUM SETBACKS, THE BUILDINGS COULDN'T GET TOO CLOSE TO THE STREET. IN FACT THE ORDINANCE BASICALLY SAID SET WAY BACK FROM THE STREET, PUT ALL OF YOUR PARKING IN FRONT, DON'T PAY MUCH ATTENTION TO THE STREET OR SURROUNDING BUILDINGS. WELL, WE ARE HAVING A TOTAL REVOLUTION AROUND THE COUNTRY IN THAT REGARD. NOW COMMUNITIES ARE SAYING DON'T SET BACK SO FAR. IN FACT MANY COMMUNITIES ARE SAYING THAT YOU HAVE TO BUILD UP TO THE STREET TO THAT THAT STREET IS DEFINED, THE FRONT DOOR IS ACTUALLY THE FRONT DOOR SO IT'S ORIENTED TOWARDS THE STREET, AND STAMP -- STANDARDS ARE BEING TAILORED TO ACTUALLY THE TYPE OF BUILDING, THE TYPE OF STREET. SO THAT FOR EXAMPLE THE -- THE SMALL -- SMALL NEIGHBORHOOD COMMERCIAL BUILDING ON THE LEFT, ON A LOCAL STREET, IS REQUIRED IN THIS INSTANCE TO COME UP TO THE STREET TO DEFINE THAT EDGE TO MAKE IT A VERY PLEASANT PEDESTRIAN EXPERIENCE. BUT YOU HAVE TO TREAT THE BIG BOX RETAILERS DIFFERENT. THEY HAVE DIFFERENT NEEDS, THEY ARE GOING TO A FAST MOVING STREET. AND THEY ARE GOING TO HAVE TO HAVE SOME PARKING. THE POINT IS COMMUNITIES ARE TAYLORRING THESE STANDARDS DEPENDING ON THE LOCATION AND THE KIND OF STREET THAT THEY ARE ON. PARKING IS ANOTHER BIG ISSUE. THE OLD -- OLD ZONING CODES REALLY DIDN'T DO MUCH MORE THAN SAY YOU NEED TO HAVE PARKING AND YOU RECALLLY THE MORE THE BETTER. USUALLY. THE RESULT IS AS YOU CAN SEE IS THAT BIG BOX RETAILER ON THE LEFT WHERE IT'S JUST CONSENTSCADS AND SEAS OF PARKING. THAT A DETRIMENTAL IMPACT ON THE APPEARSANCE OF NEIGHBORHOODS. THESE STANDARDS REALLY REQUIRE TOO MUCH PARKING FOR INFILL DEVELOPMENT AND OFTEN FOR MIXED USE. WHAT DOES THAT DOES DO? IT DISCOURAGES, SENDS DEVELOPERS TO THE SUBURBS BECAUSE WHEN MEDICAL ARE TRYING TO REDEVELOP THESE -- WHEN PEOPLE ARE TRYING TO REDEVELOP THESE INNER CITY SITES, TRANSIT CORRIDOR TYPE OF SITS, THE PARKING REGULATIONS ARE EXCESSIVE. PEOPLE THROW UP THEIR HANDS AND SAY WE WILL GO TO SOME OTHER

COMMUNITIES, DEVELOP A GREEN FIELD SITE. WELL, COMMUNITIES ARE REACTING TO THAT. ADAPTING A MORE SOPHISTICATED, REDUCING PARKING REQUIREMENTS FOR MIXED USE DEVELOPMENT, BECAUSE THE STUDIES SHOW THAT MIXED USE PEOPLE WHO LIVE IN MIXED USE DEVELOPMENTS OFTEN WALK TO WORK, THEY USUALLY HAVE FEWER CARS, THEY CAN WALK -- DO SOME OF THEIR -- OF THEIR HOPPING TO RESTAURANTS, THEY CAN DO THEIR WALKING TO ENTERTAINMENT RATHER THAN HAVING TO DRIVE. SO YOU HAVE A JUSTIFICATION FOR SOME REDUCED PARKING. THE LOCATION OF PARKING IS IMPORTANT. FORT COLLINS, COLORADO, FOR EXAMPLE, ONLY ALLOWS BIG BOX RETAILERS TO HAVE HALF THE PARKING IN FRONT OF THE BUILDING. THEY CAN'T PUT 100% BETWEEN THE STREET AND THE BUILDING. THE REST OF IT HAS TO BE SCATTERED AROUND. L.O. AND BEHOLD FORT COLLINS EVEN HAS FRONT DOORS AND BACK DOORS FOR PEOPLE TO GO IN BOTH SIDE. WE DRAFT MANY ZONING CODES TODAY WHERE THERE IS NOT ONLY A MINIMUM AMOUNT OF PARKING REQUIRED, BUT A MAXIMUM ALLOWED THAT YOU CANNOT HAVE ANY MORE THAN FOR EXAMPLE 125% OF THE -- OF THE MINIMUM PARKING IN NORTH CAROLINA. THE REASON IS THEY DON'T WANT PEOPLE TO OVERPAVE THE SITE. YOU OVERPAVE A SITE, AGAIN YOU AFFECT COMMUNITY APPEARANCE, INCREASE JUNE OFF, CREATE A WHOLE HOST OF PROBLEMS. AGAIN SOME VERY INNOVATIVE THINGS GOING ON WITH REGARD TO PARKING. CIRCULATION AND CONNECTIVITY. TRADITIONAL THE OLD ZONING CODES FOCUSED ON CARS. NOW PEOPLE ARE SAYING LOOK WE HAVE TO REDUCE THE USE OF AUTOS. WE NEED TO HAVE CONNECTIVITY ON THE SITE SO PEOPLE WOULD WALK. CONNECTIVITY IN THE OLD DAYS, THAT'S A PICTURE OF -- OF A FRIEND OF MINE, THAT'S WHAT PASSED FOR CONNECTIVITY, A CHAIN LINK FENCE WITH A GATE IN IT BETWEEN TWO USES. THAT DOESN'T PASS MUSTER ANYMORE. WE ARE REQUIRING MORE AND MORE CONNECTIVITY BETWEEN SITES SO NOT ONLY FOR CARS, BUT FOR PEDESTRIANS AND BICYCLISTS, A NUMBER OF STUDIES SHOWING THIS HELPS TO REDUCE THE AMOUNT OF TRAFFIC, FROM FIVE TO 15%, THAT'S NOT A HUGE AMOUNT, BUT IT'S A SIGNIFICANT AMOUNT. IF WE CAN REDUCE THAT TRAFFIC BY 5 TO 15% BY ENCOURAGING PEOPLE TO WALK, BY HAVING THE NOVEL THOUGHT OF SIDEWALKS ON BOTH

SIDES OF THE STREET, IT'S AN IMPORTANT ADVANCEMENT. LANDSCAPING, TRADITIONAL, SCRAPE THE SITE, REPLANT LITTLE TWIGS, WE WILL ALL BE HAPPY. SEPARATE AND SCREEN THE USES. LARGE LANDSCAPE BUFFERS BETWEEN USES. COMMUNITIES ARE REALIZING A NO, THAT'S NOT GOOD ENOUGH. TO SEPARATE USES BY HUGE BUFFERS WILL RENDER THOSE SITES UNDEVELOPPABLE. WE WENT DOWN A NUMBER OF YOUR STREETS TODAY, LAMAR, GUADALUPE, THE SITES AREN'T DEEP AND WIDE ENOUGH TO HAVE THESE ENORMOUS LANDSCAPED BUFFERS. WE NEED TO DO OTHER THINGS. ONE, YOU GUYS HAVE A -- THE CITY OF AUSTIN HAS BEEN A LEADER IN THIS, PRESERVING NATIVE TREES AND LANDSCAPING. WHEN YOU HAVE THOSE BEAUTIFUL TREES ON A SITE. WE SAW SOME OF THIS TODAY OUT ON LAMAR, A NEW RESIDENTIAL DEVELOPMENT, THEY HAD NICE FENCING AROUND SOME OF THOSE EXISTING TREES, PROTECTING THEM. EMPHASIS ON STREET TREES. COMMUNITIES ARE RECOGNIZING AND REDISCOVERING THE IMPORTANCE OF STREET TREES, NOW ARE REQUIRING REPLANTING OF STREET TREES. AND EXPANSION OF THE AREA ON A SITE THAT IS DEDICATED TO STREET PLANTINGS. CAN MAKE A HUGE DIFFERENCE IN THE APPEARANCE OF THE STREET. MIXED USE DEVELOPMENT, THAT'S A KEY FEATURE OF THE RECOMMENDATIONS AND THE STUDY THAT YOU HAVE BEFORE YOU. THE OLD AGAIN THE OLD WAY OF DOING THINGS WAS SEPARATE USES, THE NEW THINKING IS THAT IT'S NOT A GOOD IDEA. YOU ARE GOING TO CREATE MORE TRAFFIC. IF YOU SEPARATE RESIDENTIAL AND COMMERCIAL USES, JUST BY THE BOOKS, YOU WILL OFTEN END UP WITH COMMERCIAL AREAS THAT ARE DEAD AT NIGHT. IT HELPS TO HAVE SOME MIXES OF THOSE USES. COMMUNITIES ARE TAKING SOME VERY, VERY AGGRESSIVE STEPS IN TERMS OF INCENTIVES TO ENCOURAGE MIXED USE DEVELOPMENT, ADDITIONAL DENSITY, THE THING THAT WE FIND, TWO THINGS THAT WE FIND THAT ARE THE MOST DIFFICULT HURDLES FOR INFILL AND MIXED USE DEVELOPMENT, SOME OF THE OLD LANDSCAPING AND PARKING REQUIREMENTS BECAUSE THERE'S SUBURBAN REQUIREMENTS AS I MENTIONED BEFORE, THE PARKING REQUIREMENTS ARE IN MOST CITY CODES ARE -- ARE USUALLY FAR BEYOND WHAT IS ACTUALLY NECESSARY AND SO CITIES ARE TAKING THE -- THE LEAD, COLORADO SPRINGS I MENTIONED, IN REDUCING

SOME OF THESE REQUIREMENTS. SO THAT THEY ARE NOT EXCESSIVE. SOME COMMUNITIES HAVE GONE EVEN FURTHER, REQUIRING FIRST FLOOR USES, RETAIL USES, MIXED USE DEVELOPMENTS. SOME EVEN FURTHER, WE HAVE WRITTEN A FEW RECENTLY WHERE THE CITIES ACTUALLY REQUIRE AN ACTUAL MIX OF USES, WE WILL SAY NO ONE USE IN A MIXED USE DEVELOPMENT CAN BE MORE THAN 60%, SO THAT YOU REALLY DO GET A MIX OF COMMERCIAL, RESIDENTIAL, OFFICE-TYPE OF USES. ONE THING THAT WE HAVE TO BE CAREFUL ABOUT, THOUGH, AND IT'S ONE THING THAT MEAT WILL TALK ABOUT IN A -- MATT WILL TALK ABOUT IN A SECOND. I CERTAINLY LEARNED THIS AS A CITY COUNCIL MEMBER, WE PLANNERS ALL MAY BOW DOWN TO MIXED USE, BUT THAT DOESN'T NECESSARILY MEAN THE NEIGHBORHOODS ALWAYS WILL. MIXED USE CAN BE A VERY GOOD THING BUT IT'S VERY IMPORTANT TO MAKE SURE THAT THE NEIGHBORHOODS ARE PROTECTED, YOU HAVE SOME THINGS NOW, SOME TRANSITIONAL REGULATIONS ON THE BOOKS, SORT OF THE OLD WAY OF DOING THINGS IS ON THE TOP. PUT A WOOD FENCE UP, YOU HAVE AN AL LEE, THAT'S YOUR TRANSITION, HOPE EVERYBODY'S HAPPY. REALLY ON THE TOP IS WHAT YOU SEE SOMETIMES. WE SAW THIS IN SOME CONDITIONS OUT ON YOUR STREETS NOW, DUMPSTER, BRIGHT LIGHTING, THEN A HOUSE NEXT DOOR. THAT WAS ALSO A RECIPE FOR MY CONSTITUENTS CALLING ME UP IN THE MIDDLE OF THE NIGHT SAYING I THOUGHT I VOTED FOR YOU TO PROTECT US. SO -- BUT THERE ARE BETTER WAYS TO DO THINGS. WE ARE GOING TO --

McCracken: WE NEVER HAVE ANYTHING LIKE THAT HAPPEN HERE.

I UNDERSTAND. COPACETIC POLITICS HERE. BUT THERE'S CERTAINLY SOME THINGS THAT CAN BE DONE TO IMPROVE THOSE -- THOSE TRANSITIONS, I WILL GIVE YOU AN EXAMPLE OF ONE THAT WE JUST ADOPTED IN CLAYTON, MISSOURI WHICH IS A FAST GROWING AFFLUENT SUBURB OUTSIDE OF ST. LOUIS. A LOT OF MIXED USE DEVELOPMENT. FIRST ONE THAT GOT BUILT ALL OF THE BALCONIES ON THE MIXED USE DEVELOPMENT WERE LOOKING AT THE BACK YARDS OF THE MAYBE'S NEXT DOOR. WE PUT -- THE NEIGHBOR'S NEXT DOOR. WE PUT REGULATIONS IN PLACE TO KEEP THAT FROM

HAPPENING. SIMPLE THINGS THAT WE CAN SUGGEST TO YOU THAT WILL EASE THESE TRANSITIONS, GIVE THE NEIGHBORHOODS COMFORT THESE ARE NOT GOING TO RUIN THEIR QUALITY OF LIFE. FINALLY BUILDING DESIGN, TURN IT OVER TO MATT FOR A FEW MORE POINTS. BUILDING DESIGN REALLY, AS I SAID, SPRUNG OUT OF SOME OF THE ACTIVITIES IN THE HISTORIC DISTRICTS. YOU HAVE BEEN A NATIONAL LEADER. I REMEMBER BEING HERE 20, 25 YEARS AGO WHEN YOU STARTED PROTECTING SIXTH STREET. THE TREND IN THE COUNTRY NOW IS THAT DESIGN AS I SAID HAS COME OUT OF THE HISTORIC DISTRICTS, GONE FAR BEYOND IT. MANY COMMUNITIES NOW HAVE ADOPTED COMMERCIAL DEVELOPMENT STANDARDS. THE BASICS TYPICALLY ARE -- ARE AVOIDING AS I SAID BEFORE LONG, FLAT WALLS, PARTICULARLY ON BIG BOX DEVELOPMENT. ACTUALLY GETTING INTO REGULATIONS THAT LOOK AT THE STYLE OF ROOFS. MATERIALS AND COLOR. REALLY WHAT'S BEING PROPOSED IN THE DOCUMENT THAT -- THAT YOU HAVE BEFORE YOU IS -- AS I SAID YESTERDAY, IN A MEETING, KIND OF PUTS YOU IN THE RADICAL MIDDLE. YOU WILL NOT BE ON THE CUTTING EDGE OR THE BLEEDING EDGE WHEN IT COMES TO SOME OF THE DESIGN STANDARDS THAT ARE HERE. THEY ARE REALLY PRETTY MODERATE, MIDDLE OF THE ROAD STANDARDS. AS YOU CAN SEE, HERE ARE SOME OTHER COMMUNITIES MANY HERE IN TEXAS THAT ADOPTED DESIGN STANDARDS. THE FIRST COUPLE ON THE TOP ARE FROM PLANO, A SUBURB OF DALLAS. WE HAVE WORKED IN ROULETTE, RECENTLY TEXAS. THERE'S A NUMBER OF COMMUNITIES IN TEXAS ALREADY THAT HAVE ADOPTED DESIGN STANDARDS OR NEGOTIATED THEM. YOU CAN SEE THE RESULTS ON THE TOP. EVEN THE BIG BOX RETAILERS, A SHOT AS YOU CAN PROBABLY TELL FROM COLORADO, MANY COMMUNITIES HAVE ADOPTED BIG BOX STANDARDS, THAT'S A MOUNTAIN BIG BOX WAL-MART. LOOKS PRETTY GOOD. IT HAS -- HAS A STANDING SEEM METAL ROOF, WOOD TIMBERS ON IT, IT HAS A ROCK FOUNDATION, IT'S ONE OF THE HIGHEST GROSSING WALL MATTERS I'M TOLD IN THE COUNTRY. PEOPLE LOVE IT. TOOK VERY SIMPLE DESIGN STANDARDS TO GET THAT ONE. WE SHOW THIS PICTURE TO OTHER COMMUNITIES THEY SAY GEE WHY DID WE GET THE BLUE CINDER BLOCK WAL-MART. WHAT KIND OF STANDARDS DO YOU HAVE? WE DIDN'T KNOW WE COULD DO THAT, WE

THOUGHT THEY WOULD GO ELSEWHERE. WHAT'S BEING PROPOSED HERE IS PRETTY MIDDLE OF THE ROAD. THEN YOU REALLY WANT TO GET ON THE BLEEDING EDGE, WE COULD WORK WITH YOU ON THINGS HERE IN CHICAGO FOR EXAMPLE, IN COMMERCIAL BUILDINGS THEY ARE REQUIRING GREEN ROOFS. CLIMATE BASED REGULATIONS IN TUCSON, REQUIRE SHADING IN PARKING LOTS. THEY REQUIRE WATER HARVESTING OFF OF MULTI-FAMILY AND COMMERCIAL BUILDINGS. SOMEBODY SAID IS THAT GUY FROM AUSTIN WITH THAT TIE DYED SHIRT. IF YOU NOTICE THERE, I DON'T KNOW IF I HAVE A POINTER ON HERE. NOT WORKING. SEE HE'S GOT A GREEN ROOF ON TOP OF HIS CAR, WE CAN EVEN WRITE THOSE KINDS OF ORDINANCES FOR YOU, THIS FELLA WAS VERY PROUD OF HIS GREEN ROOF. THIS WAS ACTUALLY UP IN ANCHORAGE, ALASKA, ALTHOUGH I THINK HE DID HAVE SOME TIES AT SOME TIME IN HIS LIFE TO BOULDER, COLORADO OR AUSTIN, HAD TO BE DOWN HERE SOMEWHERE. IN IN CASE THE POINT IS THERE'S A LOT OF VERY INTERESTING THINGS WHERE PEOPLE ARE GOING BEYOND NOW ON DESIGN STANDARDS THAT -- THAT I WOULDN'T BE SURPRISED IF -- IF AUSTIN IN THE NEXT DECADE WILL BE CONSIDERING SOME OF THESE OTHER THINGS, BUT FOR RIGHT NOW, AS I SAID, WE THINK THAT YOU HAVE GOT A PRETTY SOLID START WITH YOUR DESIGN STANDARDS REPORT. MATT GOEBLE IS GOING TO HIGHLIGHT WHAT WE WOULD CALL THE HOT BUTTON ISSUES THAT YOU NEED TO BE AWARE OF AS THIS GOES FORWARD. WITH THAT I WILL TURN IT OVER TO MATT.

GOOD TO BE HERE, MAYOR, COUNCIL. I WANTED TO SPEND A FEW MINUTES BEFORE WE TALK ABOUT THE TASK FORCE REPORT, MARKING ON SOME OF THE THINGS THAT AUSTIN HAS ALREADY ACCOMPLISHED. WE HAVE TALKED A LOT ABOUT BEST PRACTICES AROUND THE COUNTRY. THAT'S NOT TO SAY THAT AUSTIN HASN'T BEEN DOING THINGS IN TERMS OF DESIGN OR THINKING ABOUT DESIGN. YOU HAVE DONE SOME OF THE MOST INNOVATIVE THINKING IN TERMS OF REGULATING DESIGN IN THE COUNTRY. SOME OF THE MODEL THAT'S WE FREQUENTLY CITE TO OTHER COMMUNITIES. CAPITOL VIEW, VERY GOOD EXAMPLE, BEEN AROUND 20 YEARS, PROTECTS THE CORRIDORS OF THE STATE STATE CAPITOL. YOU ARE LOOKING AT DESIGN

ISSUES WITH YOUR DOWNTOWN DESIGN GUIDELINES, OUT ON 360, 2222. DESIGN REVIEW AND ENVIRONMENTAL PROTECTION FOR PROJECTS LIKE THE SMART GROWTH MATRIX, THINGS HAVE BEEN DONE IN AUSTIN TO REALLY MOVE THE BALL FORWARD IN TERMS OF THINKING ABOUT DESIGN. WE WANTED TO ACKNOWLEDGE THAT BEFORE WE TALK MORE ABOUT THE TASK FORCE REPORT. LET'S PLUNGE IN, WE WANTED TO SAY FIRST OF ALL WE REALLY COMMEND YOU. REALLY ADMIRABLE, YOU HAVE DONE A REALLY REMARKABLE JOB. OUR JOB IS SIMPLY TO COME IN AND RESPECT EVERYTHING THAT'S BEEN DONE, RESPECT ALL OF THE GOOD DISCUSSIONS DONE BY THE TASK FORCE, TO THINK THROUGH NOW HOW TO TAKE ALL OF THE PROVISIONS LISTED, ALL OF THESE DIFFERENT TOPICS, MAKE THEM A CLEAN, USER FRIENDLY, LEGALLY ENFORCEABLE ORDINANCE. THIS IS REALLY ACTIVELY STRAIGHTFORWARD, USUALLY WE HAVE TO COME IN AND HELP THE COMMUNITY SET THE POLICIES. YOU HAVE DONE A LOT OF THAT LEG WORK IN TERMS OF THINKING THROUGH THE POLICIES THAT YOU WANT TO APPLY IN TERMS OF LIGHTING, LANDSCAPE, PARKING. SO WE JUST NOW HAVE TO COME IN, BE THE LAWYERS, WRITE IT UP. WANTED TO ECHO SOMETHING THAT I DIDN'T SAY SAID EARLIER. THAT CHRIS SAID. AGAINGENERALLY THE STANDARDS ARE PUTTING AUSTIN RIGHT IN THE MIDDLE OF THE PACK IN TERMS OF PROGRESSIVE COMMUNITIES AROUND THE COUNTRY. THERE ARE SOME CUTTING EDGE PROVISIONS HERE, I WILL TALK ABOUT A COUPLE. FOR THE MOST PART THESE ARE PRETTY STRONG PROGRESSIVE PROVISION THAT'S YOU WILL SEE OTHER COMMUNITIES ADOPTING. THEY ARE NOT THAT UNUSUAL. WANTED TO TALK FIRST OF ALL ABOUT WHAT THE STANDARD APPLY TO. WE ARE ONLY GOING TO -- NOT GOING TO RECITE THE WHOLE TASK FORCE REPORT TO YOU WE WANTED TO HIT FOR YOU WHAT WE THINK ARE SOME OF THE HIGH POINTS. THINGS THAT YOU MIGHT BE HEARING MORE ABOUT FROM SOME OF OUR CONSTITUENTS. FIRST OF ALL, WHAT DO THE STANDARDS APPLY TO? WE WANT TO CLARIFY THIS. A LOT OF FOLKS SAID IS THIS COMMERCIAL OR APPLY BEYOND COMMERCIAL DESIGN USES? WE WANTED TO BE VERY CLEAR. THIS IS PRIMARILY A COMMERCIAL DESIGN STANDARDS ORDINANCE. MOST OF THE STANDARDS WE TALK ABOUT WILL APPLY TO

COMMERCIAL USES. THERE IS A MIXED USE COMPONENT AS WELL, THOUGH. WHEN WE LOOK AT MIXED USE PROJECTS THAT MIGHT BE GOING IN SAY AS INFILL ON SOUTH LAMAR, THERE WOULD BE MULTI-FAMILY USES THAT COME INTO PLAY AS PART OF THOSE VERTICAL MIXED USE PROJECTS. SO TO THAT EXTENT THERE ARE SOME OTHER USES BEYOND COMMERCIAL THAT -- THAT ARE AFFECTED. ALSO ALONG YOUR TRANSIT CORRIDORS, THINGS LIKE LAMAR AND GUADALUPE, THOSE STANDARDS WOULD APPLY TO ALL NON-RESIDENTIAL DEVELOPMENT. NOT JUST COMMERCIAL DEVELOPMENT. SO WE ARE TALKING INDUSTRIAL, TALKING ABOUT INSTITUTIONAL USES LIKE A CHURCH OR A CIVIC BUILDING, BUT AGAIN BY FAR FOR THE MOST PART WE ARE TALKING ABOUT COMMERCIAL DESIGN STANDARDS FOR THE CITY.

McCracken: MATT I WILL JUMP IN AGAIN BECAUSE I KNOW THAT'S AN ISSUE THAT PEOPLE FOCUS ON. THE ONLY STANDARDS THAT APPLY ON THE TRANSIT CORRIDORS ARE THE DEVELOPMENT ORIENTATION. SO IN OTHER WORDS, YOU KNOW, SOME THINGS ON A CORE TRANSIT CORRIDOR THAT IS MULTI-FAMILY OR SOMETHING LIKE THAT DOES NOT HAVE TO COMPLY WITH THE DESIGN STANDARDS, BUT IT DOES HAVE TO MEET THE DEVELOPMENT ORIENTATION ABOUT BUILDING BUILT UP TO THE STREET.

RIGHT.

BUT THAT'S JUST AN IMPORTANT DISTINCTION BECAUSE I KNOW THAT IT'S A QUESTION THAT YOU WILL HAVE A LOT.

ANOTHER POINT OF CLARIFICATION. IF THESE STANDARDS DON'T ADDRESS SOMETHING THAT'S ALREADY REGULATED BY THE AUSTIN CODE, THE AUSTIN CODE CONTINUES TO APPLY. THIS IS ONLY GOING TO APPLY WHERE IT SUPERSEDES THINGS IN THE AUSTIN CODE. IF YOU HAVE GOT SOMETHING COVERED IN THE T.O.D. WORK OR T.N.D. ORDINANCE, THEN YOU HAVE TO LOOK AND STAFF WOULD HAVE TO SEE WHICH OF THOSE IS MORE RESTRICTIVE. THE MORE RESTRICTIVE STANDARDS WOULD APPLY. THAT'S THE APPLICABILITY OF THE ENTIRE ORDINANCE. I WANTED TO TALK ABOUT THE FEW OF THE HIGH SUBSTANTIVE POINTS. FIRST OF ALL ROADWAY TYPES, ONE OF THE KEY

INNOVATIONS OF THE TASK FORCE' WORK IS THINKING THROUGH THE DIFFERENT TYPES OF ROADWAYS THAT YOU HAVE IN AUSTIN. SAYING WE NEED TO REGULATE LAND USES DIFFERENTLY DEPENDING ON THE TYPE OF ROADWAY THAT THE DEVELOPMENT FACES. IF YOU HAVE GOT LAND USES THAT ARE FACING A BUSY HIGHWAY, YOU HAVE GOT DIFFERENT STANDARDS THAT NEED TO APPLY THAN ON AN INTERNAL CIRCULATION ROUTE OR SOME LOCAL ROAD GOING THROUGH A LOCAL NEIGHBORHOOD. ROADWAY TYPES HAVE BEEN IDENTIFIED. USED AS AN ORGANIZING PRINCIPLE FOR THE ENTIRE BODY OF WORK. AGAIN THIS IS ONE OF THE REAL INNOVATIONS OF THIS PROJECT. THIS HASN'T BEEN DONE IN A LOT OF COMMUNITIES AROUND THE COUNTRY, WE THINK THAT IT WORKS GREAT. IT'S A GREAT IDEA. CORE TRANSIT CORRIDORS ARE THINGS LIKE RIVERSIDE. THINGS THAT YOU SEE IN THE PHOTO. GUADALUPE, LAMAR, CONGRESS, SOUTH CONGRESS, URBAN ROADWAYS, SOME OF THE BIGGER ROADS LIKE BEN WHITE, THE HILL COUNTRY ROADWAYS, 360, 2222, ET CETERA. LOCAL ROADWAYS ARE PRETTY MUCH ALL OF THE OTHERS. EVERYTHING THAT'S NOT IN THOSE FIRST THREE CATEGORIES. INTERNAL CIRCULATION ROUTES CAN BE PUBLIC OR PRIVATE. REALLY THE INTERNAL ROUTES LIKE YOU SEE IN THE BOTTOM SLIDE IN THE JEFFERSON CITY PROJECT OFF OF PARMER LANE. THE THINKING AGAIN IS THAT WE WANT TO TRY TO THINK THROUGH HOW TO REGULATE LAND USE BASED ON ROADWAY TYPE. THE PLACE WHERE THAT IS MOST SIGNIFICANTLY DONE IS IN THE DEVELOPMENT ORIENTATION PROVISIONS OF THE -- OF THE TASK FORCE REPORT. THIS IS WHERE A LOT OF GOOD THINKING HAS BEEN DONE. BASICALLY UNDER YOUR CURRENT PROCESS, YOUR CURRENT ZONING, THE REGULATION THAT'S APPLY TO WORD BUILDING FITS ON THE SITE ARE CONTROLLED BY ZONING. YOU CAN HAVE A PATCHWORK BECAUSE YOU CAN HAVE A LOT OF DIFFERENT ZONING ALONG SOUTH CONGRESS, SAY. THE THINKING HERE IS THAT ALL ALONG SOUTH CONGRESS LET'S TRY TO ACHIEVE MORE UNIFORMITY IN TERMS OF HOW BUILDINGS ARE PLACED ON THE SITE WHERE PARKING IS PLACED ON THE SITE. SO YOU HAVE RESTRICTIONS IN PLACE AND SOME STANDARDS THAT SAY LET'S LIMIT THE PARKING BETWEEN THE STREET AND THE BUILDING. LET'S TRY TO BRING THE

BUILDING UP TO THE STREETS SO THAT WE HAVE A MORE PEDESTRIAN FRIENDLY ENVIRONMENT. LET'S HAVE THE CUSTOMER ENTRANCES PRIMARILY FACING THE STREET. THE THINKING IS THAT WE ARE GOING TO APPLY THESE STANDARDS, THEY WILL BE CALCULATED SO YOU MIGHT HAVE A MORE INTENSELY PEDESTRIAN ENVIRONMENT IN THE CORE TRANSIT CORRIDORS AND LESS FOR THE URBAN ROADWAYS, FOR EXAMPLE. SO WE WILL BE THINKING THROUGH HOW TO APPLY THESE STANDARDS ALONG THE ROADWAYS. WE WILL BE PROPOSING SOME STANDARDS THAT BRING PERCENTAGES OF THE BUILDING UP TO THE STREET, FOR EXAMPLE. ANOTHER SIGNIFICANT PART OF THE TASK FORCE REPORT THAT WE WANTED TO BRING TO YOUR ATTENTION IS THE -- THE FOCUS ON PARKING. THERE'S SOME REAL GOOD THINKING THAT'S DONE HERE. AGAIN THE THINKING IS THAT SOME OF THE -- SOME OF THE MORE MIXED USE AND INTENSIVE USES THAT ARE BEING PROPOSED AND ENCOURAGED ARE GOING TO REQUIRE LESS PARKING. LESS ON SITE PARKING. THERE ARE A NUMBER OF REDUCTIONS IN REQUIRED OFF-SITE PARKING THAT ARE ALLOWED IN THE DOCUMENT. ANOTHER IMPORTANT PIECE OF THE -- PIECE OF THE REPORT IS THAT IT -- ON STREET PARALLEL PARKING IN THE PUBLIC RIGHT-OF-WAY IS ALLOWED ALONG CORE TRANSIT CORRIDORS. IT'S ENCOURAGED ELSEWHERE, BUT IT'S ALLOWED ALONG CORE TRANSIT CORRIDORS. AGAIN SOME OF THE EXAMPLES THAT I GAVE, SOUTH CONGRESS, RIVERSIDE, GUADALUPE, FIFTH AND SIXTH. SO THE THINKING HERE IS THAT ON SITE, ON STREET PARALLEL PARKING IS ALLOWED. IN THOSE AREAS. NOW, WE CLARION ARE GOING TO HAVE TO THINK THROUGH HOW TO MAKE THIS WORKABLE WITH YOU. WE NEED TO DEVELOP SPECIFIC CRITERIA WHERE THE ON SITE PARKING WILL BE ALLOWED. WE HAD A GOOD DISCUSSION ABOUT THIS YESTERDAY WITH THE LAND USE AND TRANSPORTATION SUBCOMMITTEE. WE WILL NEED TO BE THINKING ABOUT, YOU KNOW, JUST MAKING SURE THAT THERE'S SUFFICIENT RIGHT-OF-WAY ALONG THESE VARIANCES TO GET THAT PARKING IN PLACE. WHAT ARE THE COMMUNITY EXPECTATIONS? RIVERSIDE OBVIOUSLY DIFFERENT EXPECTATIONS FOR PARKING THERE THAN ALONG FIFTH AND STREET WHERE YOU ALREADY HAVE THAT TYPE OF PACKING IN PLACE. THAT'S A SLIDE OF CONGRESS,

SOME ON STREET PARKING THERE ALREADY AN EXAMPLE ANGLED PARKING AS OPPOSED TO PARALLEL, BUT THE CONCEPT IS SIMILAR. ANOTHER MAJOR INNOVATION OF THE REPORT, WANTED TO CALL THIS ONE TO YOUR ATTENTION IS THE FOCUS ON MIXED USE. THIS IS A REAL EXCITING PART OF THE REPORT. MU MU. SO INTRODUCE THIS VERTICAL MIXED USE CATEGORY. WE ARE GOING TO BE AMPLIFYING THAT. BASICALLY THERE ARE NEW PROVISIONS TO ALLOW AND ENCOURAGE VERTICAL MIXED USE, A TYPE LIKE THE TRIANGLE ACTIVE RETAIL USES ON THE FIRST FLOOR, DIFFERENT USES ON THE SECOND FLOOR, GENERALLY RESIDENTIAL, GENERALLY MULTI-FAMILY RESIDENTIAL. THE THINKING BEHIND IT IS THAT THIS IS SOMETHING THAT YOU WANT TO ENCOURAGE, IT'S A MORE -- IT'S A HIGHER DENSITY PRODUCT. YOU ARE GOING TO HAVE FOLKS THAT CAN WALK TO THEIR OFFICE, WALK TO THEIR SHOPPING, NOT NECESSARILY HAVE TO GET IN THEIR CARS TO GO EVERYWHERE. IT'S BETTER FOR AUSTIN. A MORE FIT COMMUNITY. BETTER FOR AIR QUALITY. SO VMU IS ACTIVELY ENCOURAGED IN THE NEW DESIGN STANDARDS ORDINANCE. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] THAT ARE CLOSE BY. YOU HAVE GOT SOME SITUATIONS IN AUSTIN ON THE GROUND WHERE YOU HAVE MORE INTENSIVE USES, VERY CLOSE TO ADJACENT RESIDENTIAL NEIGHBORHOODS. THE NEIGHBORHOODS RIGHT OFF THE BOULDIN, RIGHT BEHIND SOUTH CONGRESS FOR EXAMPLE, RESIDENTIAL NEIGHBORHOOD RIGHT BACK BEHIND BURNET. WE JUST WANT TO MAKE SURE THOSE ARE WELL COVERED AND THOUGHT THROUGH IN TERMS OF -- IN TERMS OF THE ARCHITECTURAL TRANSITIONS BETWEEN THE VERTICAL MIXED USE PROJECTS, FOR EXAMPLE AND RESIDENTIAL AND MAYBE JUST SOME OF THE BUFFERING STANDARDS. WE AND THE TO MAKE SURE WE UNDERSTAND THEIR IMPACT, HOW THEY ARE AFFECTED BY THE NEW STANDARDS THAT WE DRAFT. WE HIGHLIGHT THIS FOR YOUR ATTENTION AS SOMETHING THAT WE THINK, BASED ON OUR PAST EXPERIENCE IS PROBABLY GOING TO GENERATE MORE COMMUNITY DISCUSSION IF YOU ARE ALLOWING THESE VERTICAL MIXED USE PROJECTS TO OCCUR, IF THEY ARE ABLE TO DO SLIGHTLY BIGGER PROJECTS ON THE SITE, LET'S JUST MAKE SURE THAT WE UNDERSTAND WHAT THE IMPACTS ARE NEARBY AND ADDRESS THOSE IMPACTS NOW

IF WE CAN. FINALLY, IN TERMS OF ISSUES WE WANTED TO BRING TO YOUR ATTENTION, THOSE WERE ALL SUBSTANTIVE THINGS COVERED IN THE REPORT. THERE'S A PROCEDURAL ASPECTS WE WANTED TO CALL YOUR ATTENTION TO AS WELL. THAT IS MAINLY THE AMOUNT OF FLEXIBILITY THAT THERE IS TO -- TO KIND OF GREASE THE WHEELS OF THE IMPLEMENTATION OF THESE NEW ORDINANCE. PARTICULARLY THE ABILITY OF STAFF. TO WHEN MINOR MODIFICATIONS MIGHT BE NECESSARY. SLIGHTLY ALTERNATIVE WAYS OF COMPLYING WITH THE STANDARDS MIGHT BE APPROPRIATE. YOU HAVE IN THE CURRENT DRAFT OF THE TASK FORCE REPORT AN AUTHORIZATION FOR STAFF TO APPROVE MINOR MODIFICATIONS. TO SETBACKS, SETBACKS ONLY TO PROTECT NATURAL OR HISTORIC FEATURES SUCH AS PROTECTED TREES, CREDITSCAL ENVIRONMENTAL FEATURES, AGAIN THE WAY THIS REPORT IT'S DRAFTED, THIS ONLY APPLIES TO SETBACKS, CLARION'S RECOMMENDATION, BASED ON OUR EXPERIENCE, MOST OTHER COMMUNITIES THAT WE WORK IN, THAT YOU MIGHT WANT TO BROAD CONTEND THAT AUTHORIZATION TO ALL OF THE TYPES OF STANDARDS IN THAT REPORT. AGAIN THIS WOULD BE GIVING THE STAFF THE AUTHORITY TO MAKE MINOR MODIFICATIONS TO SAY NUMBER OF PARKING SPACES OR AMOUNT OF LANDSCAPING PROVIDED. AGAIN THIS IS TYPICALLY USED IN A VERY -- VERY SMALL SITES. THE PEOPLE THAT REALLY LIKE THIS ARE THE MOM AND POP SHOPS THAT -- THAT MAYBE HAVE A SMALL SITE THAT MIGHT BE PHYSICALLY CONSTRAINED. THAT'S THE MINOR MODIFICATION. THE SECOND BULLET THERE IS ALTERNATIVE GIVE EQUIVALENT COMPLIANCE. YOU ALREADY HAVE ALTERNATIVE COOL APPLIANCE PROVISIONS IN YOUR CODE FOR THINGS LIKE LANDSCAPING. YOU CAN SAY I HAVE GOT A DIFFERENT WAY OF COMPLYING WITH THE STANDARDS IN THE CODE, DIFFERENT THAN STRICT LETTER OF THE LAW, BUT JUST AS GOOD. YOU ARE PROPOSING THAT FOR SOME THINGS IN THE DESIGN STANDARDS ORDINANCE. WE ARE PROPOSING TO BROADEN THAT AUTHORITY TO -- TO ALL OF THE STANDARD THAT ARE ALLOWED. BASICALLY ANYONE CAN COME IN AND SAY THAT I HAVE A BETTER WAY OF COMPLYING WITH THE BUILDING DESIGN REQUIREMENTS THAN WHAT YOU ARE TECHNICALLY REQUIRING. THAT'S ALL OF THE STANCIVE ISSUES WE WANTED TO BRING TO YOUR

ATTENTION. SO SUMMARIZE, THERE ARE TWO PRODUCTS THAT WE ARE TALKING ABOUT. ONE IS A FREESTANDING ORDINANCE. THIS IS ON THE LEFT-HAND SIDE OF YOUR SCREEN. A FREESTANDING ORDINANCE THAT -- THAT ADDRESSES THE BULK OF THE COMMERCIAL DESIGN AND MIXED USE PROVISION THAT'S WE HAVE TALKED ABOUT. THE OTHER SITE -- THE OTHER HALF OF THE SLIDE IS A SET OF AMENDMENTS TO THE CODE, TO OTHER PARTS OF THE AUSTIN CODE THAT ARE -- THAT ARE COVER DISCREET ISSUES, LANDSCAPING, DRAINAGE CRITERIA, FIRE CODE, THE REASON WHY WE HAVE SOME THINGS OVER ON THE RIGHT-HAND SIDE IS SIMPLY BECAUSE THEY MIGHT NOT NECESSARILY BE RELATED JUST TO COMMERCIAL DESIGN OR THEY MIGHT APPLY BROADLY BEYOND COMMERCIAL USES. THAT'S WHY WE ARE PROPOSING TO ADDRESS THEM THROUGH SEPARATE AMENDMENTS TO THE CODE. TRYING TO KEEP THE MAIN DESIGN STANDARDS ORDINANCE AS CLEAN AND USER FRIENDLY AS POSSIBLE. TO MAKE SURE THAT WE CARRY FORWARD THE SUBSTANCE OF THE TASK FORCE'S WORK, WE ARE GOING TO INCLUDE AT THE VERY LEAST CROSS REFERENCES FOR ALL OF NEW PROVISIONS SO IT'S VERY CLEAR THAT THE NEW LANDSCAPING PROVISIONS APPLY IN THE NEW MIXED USE AND DESIGN ORDINANCE. I WANTED TO HIGHLIGHT FOR YOU THE OUTLINE OF THE NEW DESIGN STANDARDS CAN LOOK LIKE? IT'S GOING TO BE VERY FAITHFUL I THINK TO THE ORGANIZATION OF THE TASK FORCE WORK. SLIGHTLY REORGANIZED. GOING TO FOCUS MOSTLY ON SITE DESIGN ISSUES IN THE FIRST HALF, BUILDING DESIGN ISSUES IN THE SECOND HALF. REALLY WANT TO CALL YOUR ATTENTION TO THAT POINT 4 MIXED USE. WE ARE PROPOSING TO CREATE KIND OF A ONE STOP SHOP IN THIS ORDINANCE FOR AUSTIN'S MIXED USE REGULATIONS, YOU NOW HAVE CREATED THROUGH SEVERAL DISCRETE PROJECTS SEVERAL NEW MIXED USE PROVISIONS. INTEGRATED MIXED USE, VERTICAL, DIFFERENT WAYS THAT MIXED USE IS ALLOWED OR END COURAGED IN AUSTIN. WE ARE PROPOSING TO BRING THAT ALTOGETHER IN ONE CLEAN SPOT. SO IT'S VERY CLEAR WHAT AUSTIN'S POLICIES ARE AND WHAT'S ALLOWED OR REQUIRED IN TERMS OF MIXED USE. THIS IS OUR PROPOSED SCHEDULE, THE SCHEDULE THAT WE HAVE BEEN ASKED TO WORK ON. WE ARE GOING

TO BE PRODUCING A COMPLETE DRAFT OF THIS ORDINANCE AND ALL OF THESE REVISION THAT'S WE HAVE TALKED ABOUT IN JUST A FEW WEEKS NOW TO STAFF BY THE END OF MARCH. BY APRIL 14th THEY WILL HAVE TWO WEEKS. WE WILL CRANK ON THOSE REVISIONS, TURN AROUND A REVISED ORDINANCE BY MAY 1ST, A VERSION FOR WIDER DISTRIBUTION. THE CURRENT SCHEDULE IS TO -- THE DAY IS RESERVED TO PRESENT THE ORDINANCE TO THE PLANNING COMMISSION ON MAY 3rd. AND TO THE CITY COUNCIL FOR MAY 4th. IT'S AN AMBITIOUS SCHEDULE -- WE CAN DO IT. SAILED IN THE PAST THIS LEVEL OF -- THIS LEVEL OF DESIGN WORK IS -- IT'S A LOT FOR THE IMHIEWNT TO DIGEST -- COMMUNITIES TO DIGEST. WE ARE EXCITED ABOUT IT. YOU HAVE DONE A LOT OF THE HARD WORK OURSELVES, THAT'S OUR PRESENTATION, BE HAPPY TO ANSWER ANY QUESTIONS.

THANK YOU. QUESTIONS, COMMENTS? COUNCILMEMBER MCCRACKEN?

McCracken: ON THE TIME TABLE, DOESN'T DIRECTLY ADDRESS YOU ALL, BUT WE HAVE MADE A COMMITMENT AS PART OF THE TASK FORCE PROCESS, FOR ANYBODY WATCHING OR FAMILIAR WITH THIS, THAT WE WILL HAVE THE OPPORTUNITY FOR A CHARETTE AND MORE OF THE OPPORTUNITY FOR TASK FORCE AND STAKEHOLDER REVIEW, SO WHAT THAT MEANS FROM A -- FROM A TIME TABLE STANDPOINT, I EXPECT WE WOULD PROBABLY LOOK MORE TOWARD MID MAY, FOR MAYBE PERHAPS THE PRESENTATION. THERE WILL AN OPPORTUNITY TO REVIEW FOR SEVERAL WEEKS AND HAVE A CHARETTE PROCESS. WE CAN WORK ON THOSE LOGISTICS, THAT WAS SOMETHING A LOT OF FOLKS, ALL ON -- IN ALL OF THE VARIOUS STAKEHOLDER PARTICIPANTS PICKED UP ON VERY QUICKLY AND IT IS AN IMPORTANT PART OF THE PROCESS. ON THE PARKING AND VERTICAL MIXED USE PROVISION, WE HAVE TAKEN THE EXACT PARKING STANDARDS THAT WE HAVE IN THE UNIVERSITY NEIGHBORHOOD OVERLAY, GENERATED BY A GROUP OF -- OF SEVERAL NEIGHBORHOOD ASSOCIATIONS IN CENTRAL AUSTIN, TAKEN FOUR VERTICAL MIXED USE PROJECTS ON A BROADER BASIS. CAN YOU EXPLAIN FOR US -- I KNOW YOU HAVE GOTTEN INTO A LITTLE BIT, WHY IT MAKES SENSE NOT TO HAVE THE SAME KIND OF SUBURBAN

ORIENTED PARKING STANDARDS IN A VERTICAL MIXED USE BUILDING THAT YOU WOULD REQUIRE TRADITIONAL SPRAWL SINGLE USE FORMAT. [INAUDIBLE - NO MIC] OOPS. SORRY. THE -- BECAUSE THEY CAN EITHER WALK TO WORK OR ARE ON A TRANSIT CORRIDOR, OR CAN RUN ERRANDS AT THE END OF THE DAY, THAT THERE IS A SIGNIFICANT AMOUNT OR SIGNIFICANT REDUCTION IN THE -- IN THE USE OF AUTOS AND IN THE OWNERSHIP OF AUTOS AND IT CAN VARY AS I SAID THE ACTUAL TRAFFIC STUDIES SHOW FIVE, 15, 20% REDUCTION IN USE. SO -- SO PARTICULARLY IF THEY ARE ON A CORRIDOR, BUS SERVICE, THERE'S CERTAINLY A JUSTIFICATION TO REDUCE THOSE STANDARDS. IT'S VERY IMPORTANT TO DO SO BECAUSE AS I SAID THE TWO BIGGEST STUMBLING BLOCKS, MIXED USE DEVELOPMENT AS WE SEE AROUND THE COUNTRY. SUBURBAN LANDSCAPING EFFORTS, BIG BUFFERS THAT SORT OF THING -- THAT ARE SET FOR A SUBURB IN HOUSTON, THAT THEY DON'T FIT FOR INFILL AND MIXED USE DEVELOPMENT.

AND THE NATIONAL EXPERIENCE VERTICAL MIXED USE STRUCTURES NEED AS MUCH PARKING AS SAY A -- THE SAME USES IN A SINGLE USE FORMAT.

WELL, NO, AGAIN FOR THE REASONS THAT I SAID. THEY TYPICALLY HAVE LESS CARS. PEOPLE ARE WALKING. IT'S IMPORTANT TO -- FOR PEOPLE TO BE A TRANSIT CORRIDOR.

I WANTED TO ADD TO THAT, THERE WAS AN INTERESTING STUDY DONE IN DENVER BY A LOCAL DEVELOPER, HE ACQUIRED A BUILDING, HISTORIC BUILDING THAT IS VMU, COMMERCIAL IN THE FIRST FLOOR, RESIDENTIAL ON THE TOP TWO FLOORS, ABOUT 40 UNITS TOTAL ALONG A TRANSIT CORRIDOR. HE DID A SURVEY OF ALL OF THE FOLKS THAT LIVED IN THE BUILDING TO SEE HOW MANY OF THEM OWNED CARS BECAUSE HE WAS TRYING TO DECIDE WHAT TYPE OF ADDITION TO THE BUILDING WOULD MAKE THE MOST SENSE. TURNED OUT ONLY 20% OF THEM OWNED CARS. IT WAS KIND OF INTERESTING, REALLY SUPPORTED THE TRENDS THAT CHRIS IS TALKING ABOUT THAT WE HAVE SEEN AROUND THE COUNTRY.

I WANT TO TALK TO YOU ABOUT THE ISSUE OF HEAD-IN

PARKING. ONE OF THE THINGS NEARLY THE PROCESS, SOMETHING WE TALKED ABOUT YESTERDAY, TOO. BUT EARLY IN THE PROCESS WE LEARNED WHEN YOU DO BRING IN BUILDINGS, PARTICULARLY COMMERCIAL BUILDINGS UP TO THE STREET, IF THERE'S NOT -- THERE'S NOT STREET PARKING OR THAT IS LIKELY A RECIPE FOR CAUSE BUSINESS TO FAIL. THAT'S WHY WE TAKE VERY STRONG APPROACH OF ALLOWING PARALLEL AND HEAD-IN PARKING THAT DOES NOT NECESSARILY HAVE TO BE IN THE RIGHT-OF-WAY. IT CAN CUT INTO THE PRIVATE PROPERTY AS WELL, BUT CAN YOU TELL US SOME OF THE ADVANTAGES IN TERMS OF -- OF SAFETY FOR PEDESTRIANS AND FOR COMMERCIAL SUCCESS THAT COME FROM HAVING PARALLEL AND HEAD-IN PARKING AVAILABLE AND THEN AS PART OF THAT, ALSO, TO - - TO TELL OTHER COMMUNITIES THAT HAVE TAKEN THIS APPROACH.

WELL, CERTAINLY. WELL YOU MENTIONED A COUPLE OF THINGS THAT ARE VERY IMPORTANT. ONE IS THAT THAT PARKING IN THAT'S RIGHT IN FRONT OF THE STORE, THAT'S THE GOLDEN GOOSE FOR MOST SMALL MERCHANTS IN PARTICULAR BECAUSE AMERICANS BEING WHAT WE ARE, WE DON'T LIKE TO WALK EVEN A BLOCK OR TWO. THESE SPOTS RIGHT IN FRONT OF PARTICULARLY A SMALL BUSINESS ARE WORTH THEIR WEIGHT IN GOLD. AS FAR AS THE PEDESTRIAN EXPERIENCE, HAVING THAT -- THOSE CARS THERE, EITHER PARALLEL OR HEAD-IN PARKED, IT PROVIDES A BUFFER, IT MAKES THAT MUCH MORE SAFE FEELING, MUCH MORE ATTRACTIVE TO HAVE THAT BUFFER, PARTICULARLY IF IT'S A ROAD WHERE -- WHERE PEOPLE ARE NOT JUST CREEPING ALONG. SO THERE'S SOME SIGNIFICANT ADVANTAGES. YESTERDAY I TALKED ABOUT WHAT I THINK IS THE MOST VIBRANT MEDIUM CITY COUNT IN THE WEST, FORT COLLINS COLORADO, HOME OF COLORADO STATE UNIVERSITY. BITS A 10 BLOCK AREA, EXTREMELY VIBRANT. IT NOT ONLY HAS HEAD-IN PARKING ON ONE SIDE OF THE STREET, IT'S A FOUR LANE STREET, IT HAS HEAD-IN PARKING ON BOTH SIDE OF THE STREET AND HEAD IN PARK IN THIS THE MIDDLE. THEY ELIMINATED THE MIDDLE TURN LANE, TURNED IT INTO PARK IN THIS THE MIDDLE OF THE STREET. IT IS AS I SAID ONE OF THE MOST VIBRANT DOWNTOWNS. THE KEY IS THAT PEOPLE KNOW THAT THIS IS NOT A

SPEEDWAY. THAT IT IS NOT A -- IT'S NOT THE FAST TRACK ROAD OUT TO THE AIRPORT. IT IS A SHOPPING DISTRICT AND THE SPEED LIMITS ARE SET ACCORDINGLY. AND SO THERE'S LESS PROBLEM WITH -- WITH THE FRICTION BETWEEN PEOPLE BACKING OUT, PEOPLE DRIVING DOWN THE STREET. BUT THAT COMBINATION HAS -- HAS BEEN A TREMENDOUS BOOST. MATT AND I WERE LOOKING AT SOME OF YOUR STREETS TODAY. YOU KNOW, SOME OF YOUR STREETS DON'T HAVE THE RIGHT-OF-WAY. IT WOULD BE DIFFICULT, YOU WILL HAVE TO GET THAT PARKING ON THE PRIVATE SIDE OF THE RIGHT-OF-WAY. BUT IN OTHER INSTANCES THERE'S -- I THINK THERE'S GREAT OPPORTUNITIES WHERE YOU HAVE THESE BIG TURN LANES IN THE MIDDLE OF THE STREET ALL THE WAY DOWN THAT MAY GIVE YOU SOME RIGEL ROOM TO ACTUALLY HAVE THE SPACE TO PUT IN PARKING WHERE YOU DON'T HAVE IT NOW. ON CONGRESS AND OTHER PLACES WHERE IT'S A VERY NICE ENVIRONMENT, SEVERAL OTHER STREETS TO BE WALKED ON BECAUSE YOU DO HAVE THE PARKING GUADALUPE ON ONE SIDE OF THE STREET. VERY NICE PEDESTRIAN ATMOSPHERE. WHY? MAINLY BECAUSE PARKING ON THAT SIDE OF THE STREET. WE ARE BIG SUPPORTERS ALTHOUGH WE DO THINK THAT HAS TO BE TAILERRED REALLY TO THE ROADWAY, THE FUNCTION OF THAT ROADWAY.

McCracken: I'M GLAD THAT YOU LOOKED AT OUR COMPATIBILITY STANDARDS. THEY HAVE BEEN CRITICAL IN PROTECTING PROPERTY OWNERS AND THEIR PROPERTY VALUES AND THE INTEGRITY OF THEIR NEIGHBORHOODS. IN THAT SENSE IT'S GOOD THAT YOU ALL WILL BE ABLE TO TAKE A FRESH LOOK TO MAKE SURE THAT WE ARE DOING THE MOST CUTTING EDGE STANDARDS TO MEET THE GOAL OF PROVIDING THAT KIND OF PROTECTION AND COMMERCIAL BUFFER. I HAVE HAD THE GREAT OPPORTUNITY TO -- TO GO TO ARLINGTON, VIRGINIA TO SEE THE MARKET COMMON DEVELOPMENT WHICH IS AN INCREDIBLY DENSE DEVELOPMENT. BUT THEY HAVE DONE AN INCREDIBLE JOB THROUGH COMPATIBILITY OF HAVING HOUSING WHERE YOU HAVE NO IDEA ON THIS VERY QUIET NEIGHBORHOOD, WHICH, YOU KNOW, MAKES -- ARLINGTON NEIGHBORHOOD POLITICS AS YOU ARE FAMILIAR ARE MUCH TOUGHER THAN IN AUSTIN MUCH EVEN THERE THAT HAS

BEEN AN ENORMOUS SUCCESS. I'M GLAD THAT YOU ARE TAKING A LOOK AT THAT. I THINK ALSO ONE OF THE THINGS THAT WE HAVE LEARNED FROM DEVELOPERS, THEY STARTED PENCILING OUT THE VERTICAL MIXED USE STRUCTURES, IS THAT THERE IS A GREAT OPPORTUNITY IN THEIR OPINION TO ADD AFFORDABLE HOUSING, IT WOULD BE REALLY HELPFUL TO HAVE YOUR PERSPECTIVE ON HOW WE COULD IMPLEMENT THAT TO THAT DENSITY BONUS APPROACH. THANK YOU ALL VERY MUCH. FOR THE PRESENTATION. AND I -- IT WAS GREAT.

Mayor Wynn: COUNCILMEMBER KIM?

I LIVED THE PRESENT -- I LOVED THE PRESENTATION, IT WAS AWESOME. BETTER USE OF THOSE AREAS WHERE WE HAVE, WE WANT MORE PEDESTRIAN ACTIVITY, WE SEEM TO HAVE MORE CAR TRAFFIC THAN ANYTHING, ESPECIALLY WITH THE PARKING LOTS IN BETWEEN THE STORES AND THE SIDEWALKS IF THERE ARE EVEN SIDEWALKS SOMETIMES. AND I'VE HAD THE OPPORTUNITY OF LIVING IN ASIA AND IN EUROPE WHERE MIXED USE IS VERY COMMON BECAUSE THE LAND IS SO VALUABLE. ALSO THEY HAVE A RELIANCE ON THE PUBLIC TRANSPORTATION. THEY HAVE MORE OPTIONS FRANKSLY FOR PEOPLE TO HAVE A LIVELY SIDEWALK FOR CAFES, STORES, AS WELL AS THE LIBRARIES OR WHATEVER, AMENITIES THEY NEED. RUNNING ERRANDS. KIND OF LIFESTYLE THAT PEOPLE WOULD BE MORE INTERESTED IN, ESPECIALLY WITH THE DEMOGRAPHIC CHANGE THAT WE ARE EXPERIENCING IN AUSTIN WITH -- WITH MORE SINGLE OCCUPANCY HOMES AND NOT NEEDING THE BIG HOUSE IN THE SUBURBS. THAT'S STILL AN OPTION FOR PEOPLE, BUT WE ARE PROVIDING OPTIONS FOR PEOPLE, ALL TYPES OF OPTIONS. I ALSO WANTED TO TALK ABOUT THE AFFORDABLE HOUSING ASPECT. I LIKED HOW VERTICAL MIXED USE IS GOING TO GIVE US MORE OPPORTUNITIES FOR AFFORDABLE HOUSING THAT WE HAVEN'T HAD IN THE PAST. HEIGHT, BUT WITH THAT A LOT MORE IN RETURN IN TERMS OF THE WALKABILITY OR THE INTEGRATED USES OF PEDESTRIAN ORIENTED DEVELOPMENT. I WANTED TO ASK COUNCILMEMBER KIM ABOUT THE MIXED USE, PEOPLE HAVE BEEN USING MIXED USE FOR THE GREATER IMPERVIOUS COVER BUT NOT TRULY BEING MIXED USE. CAN YOU TALK ABOUT HOW THE VMU OR VERTICAL MIXED USE WOULD

ADDRESS THAT.

THIS IS AN AREA THAT WE HAVE ASKED SPECIFICALLY FOR CLARION'S ASSISTANCE. IT DOES REQUIRE AN ACTUAL MIX OF USES. ONE OF THE THINGS THAT I KNOW CLARION HAS FAULTS ON, MATT AND CHRIS DO, PROVIDE GUIDANCE IN THEIR FINAL CODIFICATION IS NATIONAL BEST PRACTICE HOW TO STRUCTURALLY GUARANTEE MIXED USE, THAT IS REQUIRED IN OUR INTERIM STANDARDS.

Kim: OKAY.

IT IS. RIGHT NOW IN THE REPORT IT STRESSES THE NEED FOR AN ACTIVE USE ON THE FIRST FLOOR. ONE OF THE ISSUES THAT WE WILL BE COMING BACK TO YOU WITH PERHAPS SOME OPTIONS IS DO WE CREATE INCENTIVES FOR THAT MIX OF USES? I MEAN THAT MAY BE -- THAT MAY BE PART OF THE QUID PRO QUO FOR TAKING OFF SOME OF THE BALK BULK STANDARDS, MAKE SURE THAT YOU DO GET A MIX OF USE. IN OTHER COMMUNITIES THEY MANDATED IT. YOU HAVE TO BE CAREFUL BECAUSE THE MARKET IN MANY PLACES, I THINK IN AUSTIN, STARTING TO GEL, WE DON'T WANT TO THROW TOO MANY ROAD BLOCKS. WHETHER YOU MANDATE 20% OF THIS, 30% OF THAT, THAT'S SOMETHING THAT WE HAVE TO THINK THROUGH A LITTLE BIT MORE. AND TALK WITH THE STAFFER AND OTHERS, WE WILL COME BACK WITH SUGGESTIONS.

Kim: I WOULD BE OPEN TO LOOKING AT MANDATES IF WE CAN MAKE THAT POSSIBLE, IF THAT'S THE ONLY WAY WE ARE GOING TO GET IT. I DON'T KNOW HOW FAR IT'S GOING TO GET US. I WOULD ENTERTAIN LOOKING AT THAT FOR CERTAIN AREAS OF TOWN, ESPECIALLY IF YOU WANT TO KIND OF GET A Foothold IN THIS. I WOULD BE INTERESTED IN LOOKING AT THAT AS A POSSIBILITY. ANOTHER ISSUE I WANTED TO BRING UP WAS THE GREEN ROOF. I LIKE THE PHOTO OF THE BUILDING IN CHICAGO WITH THE GREEN ROOF. CAN YOU TELL ME MORE ABOUT HOW TO WORK THAT IN. I'M A BIG FAN FOR HITTING HEAT ISLAND, HAVING MORE LIVABLE SPACE AND GREEN SPACE. CAN YOU TELL US MORE ABOUT THAT -- THOSE KIND OF PROJECTS. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

THAT'S IMPORTANT BECAUSE IT IS A NEW CONCEPT, BUT YOU'RE GOING TO SEE THAT MORE AND MORE. SOLAR IS ANOTHER THING, SOLAR ACCESS. SO WE'D BE HAPPY TO HAVE SOME FURTHER CONVERSATIONS WITH YOU. I REALLY WASN'T SUGGESTING PLUNGING INTO THAT, BUT I THINK IT'S A COMING THING AND, YOU KNOW, WITH THE ENERGY AND OTHER ISSUES THIS COUNTRY FACES, THINK GLOBALLY, ACT LOCALLY, IT'S GOING TO BE IMPORTANT TO LOCAL GOVERNMENTS TO TAKE THE LEAD BECAUSE FRANKLY THE FEDERAL GOVERNMENT ISN'T TAKING THE LEAD IN THESE AREAS.

JIM

Kim: I THINK ALSO AUSTIN ENERGY COULD BE A PARTNER IN THIS AND COMING UP WITH SOME SORT OF DEMONSTRATION PROJECT. I'D BE VERY INTERESTED IN THAT.

McCracken: I DO WANT TO SAY THAT THERE IS ACTUALLY A PROVISION FOR GREEN ROOFS IN THE POLICY DOCUMENT, BUT IT IS ONE OF THE OPTIONS WE HAVE, AND IT BASICALLY -- FOR STORES THAT ARE DOING SOME SORT OF NATIONAL, ARCHITECTURAL PROGRAM, ONE OF THE REQUIREMENTS THAT YOU HAVE TO DO ONE OF THREE DIFFERENT SUSTAINABILITY MEASURES. ONE IS EITHER THE TWO STAR GREEN BUILDING OR DO GREEN ROOFS. MY UNDERSTANDING FROM PEOPLE WHO HAVE BEEN WORKING IT OUT IS THAT ALMOST EVERY TIME IT RESULTS IN THE TWO STAR GREEN BUILDING AND NOT THE GREEN ROOFS. SO I THINK IT'S A VERY FAIR OBSERVATION THAT WHAT WE HAVE DONE IS LIKELY NOT TO PRODUCE MANY GREEN ROOFS. SO THAT IT WOULD BE GOOD TO HAVE ADVICE ON HOW WE ENCOURAGE MORE OF THAT BECAUSE I AGREE, I THINK IT'S AN EXCELLENT OPPORTUNITY.

Kim: I ALSO WANTED TO ASK ABOUT JUST THE COLORS IN TERMS OF DESIGN. WE'RE TALKING ABOUT DESIGN STANDARDS FOR BUILDINGS. AND ONE THING I GO TO SUGAR LAND QUITE A BIT BECAUSE MY MOTHER LIVES THERE AND EVERYTHING LOOKS THE SAME. EVERYTHING IS TAN OR TAWP WITH EITHER WHITE TRIM OR MAROON TRIM. MCDONALD'S DOESN'T EVEN LOOK LIKE MCDONALD'S AND

IT'S JUST BLAND. AND I THINK ITS DESIGN STANDARDS JUST TO THE EXTREME IN TERMS OF VERY NARROW DEFINITIONS OF DESIGN STANDARDS. CAN YOU TALK TO ME ABOUT HOW WE'RE GOING TO MAKE SURE THAT WE HAVE ECLECTIC FEATURES, SIGNS AND COLORS IN DESIGN STANDARDS? I'M PROBABLY GOING TO GET A CALL FROM THE MAYOR OF SUGARLAND, TOO, BUT THAT'S OKAY.

SURE. FIRST OF ALL, THERE'S NO SECTION ON BUILDING COLORS OR ANYTHING LIKE THAT. THEY'RE NOT REGULATED DIRECTLY IN THE ORDINANCE. BUT BEYOND THAT I THINK BY FOCUSING ON MENU-BASED APPROACHES, THE TASKFORCE HAS REALLY TRIED TO ENSURE THAT THEY'RE NOT RESTRICTING ANYONE'S CREATIVITY. AND I THINK THEY'VE ACTUALLY GIVEN POINTS FOR USING I THINK AUSTIN INJURED ARTISTS. I'M NOT SURE OF THE EXACT TERM, BUT FOLKS HAVE THAT PARTICIPATED IN AUSTIN ARTIST RECOGNITION PROGRAM WILL EARN YOU POINTS IN SOME OF THE BONUS POINT SYSTEMS. YOU'VE GOT SOME OF THE MOST VITAL SIGN ENVIRONMENTS IN THE COUNTRY. AND IT'S AMAZING TO SEE SOME OF THE WONDERFUL SIGNS IN AUSTIN. I SAW TOY JOY HAD JUST REPAINTED THEY'RE BUILDING. I DON'T THINK WE'RE DOING ANYTHING IN THIS PROJECT THAT WOULD REALLY RESTRICT THE OVERALL PALATE THAT'S BEING LOOKED AT. CERTAINLY OTHER COMMUNITIES HAVE CHOSEN TO DO THAT, THEY'VE CHOSEN TO ENFORCE A UNIFORM SCHEME. SANTA FE HAS DECIDED THAT'S IMPORTANT TO THEIR TOURISM INDUSTRY AND THEIR ECONOMIC DEVELOPMENT TO MAINTAIN THAT CONSISTENT ARCHITECTURAL STYLE, BUT THE STANDARDS BEING PROPOSED RIGHT NOW DON'T GO THAT WAY.

WE'RE TALKING ABOUT ON PREMISE SIGNS, WE'RE NOT TALKING ABOUT BILLBOARDS, WE'RE TALKING ABOUT ON PREMISE SIGNS. WE'RE NOT GOING SO FAR AS, FOR EXAMPLE, IN SE SEDONA, THEY HAVE A COLOR SCHEME AND THEY ADVERTISE THE TEAL ARCHES OF MCDONALD'S. SO WE'RE NOT GOING THAT FAR, BUT YOU MAKE A VERY GOOD POINT. ONE OF THE THINGS THAT FROM OUR OUTSIDE EYE COMING TO AUSTIN AND SOME OF THESE STRIP AREAS THAT WILL REDEVELOP OVER TIME, WHAT MAKES THEM INTERESTING IS THE COLOR, THE VIBRANCY, THE ON PREMISE SIGNS, YOU HAVE SOME VERY INTERESTING ON

PREMISE SIGNS SO THEY'RE NOT ALL LOOKING LIKE THEY JUST CAME OUT OF A NEW TOWN OUT IN THE SUBURBS SOMEWHERE ELSE IN TEXAS. SO WE'LL KEEP THAT IN MIND. WE THINK THAT'S IMPORTANT. ONE THING WE HAVE SEEN IN OTHER COMMUNITIES IS AT SOME POINT THEY MIGHT SAY IN CERTAIN DISTRICTS THAT SOME REALLY WILD FAR OUT COLORS AREN'T ALLOWED, BUT AS MATT SAID, RIGHT NOW THE RECOMMENDATIONS DO NOT INCLUDE CONTROLS ON COLORS.

McCracken: IN FACT, THERE IS A PROVISION IN THERE THAT IF A SMALLER SIZE STORE DOES NOT BUILD AS PART OF A NATIONAL PROPERTY TOW TYPE OR ARCHITECTURAL DESIGN, IT DOES NOT HAVE TO PARTICIPATE IN THE DESIGN STANDARDS PROGRAM OTHER THAN HAVING WINDOWS. IN OTHER WORDS, DESIGN STANDARDS DOES NOT APPLY ON DESIGN FOR NON-BRANDED SMALL BUSINESSES.

Kim: ALL RIGHT. THANK YOU FOR YOUR WORK, AND COUNCILMEMBER MCCRACKEN, THANK YOU FOR YOUR LEADERSHIP. I KNOW IT'S BEEN A LONG TIME, BUT I'M GLAD TO SEE IT HAPPEN. SO THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?  
COUNCILMEMBER ALVAREZ.

Alvarez: THANKS, MAYOR. I WANT TO THANK YOU FOR THAT REPORT. AND I JUST WANTED TO SEE IF -- I WAS JUST LOOKING THROUGH THE REPORT, AND IF YOU COULD SPEAK A LITTLE BIT ABOUT THE LANDSCAPING REQUIREMENTS AND THE -- IN PARTICULAR THERE I THINK YOU TALK A LOT ABOUT LANDSCAPING AND TREES PLACEMENT ALONG TRANSIT CORRIDORS, BUT IF YOU COULD TALK A LITTLE BIT ABOUT THE REQUIREMENTS IN PARKING AREAS AND KIND OF WE UNDERTOOK A KIND OF SIGNIFICANT SORT OF EFFORT A COUPLE OF YEARS BACK TO TRY TO FIGURE OUT HOW WE MIGHT MITIGATE THE HEAT ISLAND EFFECT AND JUST TO SEE IF -- WHAT YOU ALL FOUND IN TERMS OF SOME OF THE RECOMMENDATIONS AND WHAT, IF ANYTHING, WE COULD IMPROVE UPON THE EXISTING REGULATIONS BASED ON MAYBE WHAT OTHER CITIES DO. SO IS THERE ANYTHING THAT KIND OF STOOD OUT FOR YOU IN TERMS OF WHAT WE DO AND IF IT'S ANY WORSE OR BETTER THAN WHAT YOU'VE

SEEN IN OTHER PARTS OF THE COUNTRY?

WELL, LANDSCAPING PROVISIONS POP UP IN SEVERAL PLACES IN THE TASKFORCE REPORT. FOR EXAMPLE, ALONG THE TRANSIT CORRIDORS, IF YOU'VE GOT SURFACE PARKING ADJACENT TO THE STREET, THERE'S GOT TO BE A ROW OF SHADE TREES THERE, BUT THE MAIN SECTION ON LANDSCAPING REALLY FOCUSES ON BEEFING UP THE PROTECTION OF EXISTING AND NATIVE LANDSCAPING AND LOW WATER LANDSCAPING. THERE ARE SOME GOOD PROVISIONS THAT -- THERE ARE SOME PROPOSED REVISIONS, I SHOULD SAY, THAT APPEAR TO BE A GOOD IDEA THAT INCREASE THE MINIMUM SIZE OF TREES THAT MUST BE PLANTED, SHADE TREES AND ORNAMENTAL TREES ON DEVELOPMENT SITES. THE PROPOSED DIAMETER OF THOSE TREES IS PROPOSED TO INCREASE FROM ONE AND A HALF INCHES TO THREE INCHES. THAT'S ACTUALLY PRETTY CONSISTENT WITH A LOT OF COMMUNITIES AROUND THE COUNTRY. ROUND ROCK RIGHT NOW HAS A THREE-INCH MINIMUM SIZE REQUIREMENT. SO YOU'RE MOVING INTO THE SAME COMPANY WITH A LOT OF COMMUNITIES. WE THINK IT'S A GOOD IDEA, BUT WE ALSO HAVE HAD CONVERSATIONS WITH FOLKS FROM WATERSHED PROTECTION AND DEVELOPMENT REVIEW WHO THINK THAT PERHAPS THE LARGER TREES MIGHT HAVE A MORE DIFFICULT TIME SURVIVING IN AUSTIN SUMMERS, JUST GETTING OFF THE GROUND. SO MAYBE THE VIABILITY OF THAT PROPOSED STANDARD MAY STILL BE UP FOR A LITTLE DISCUSSION, BUT THE GENERAL DIRECTION IS TO HAVE MORE TREES AND TO FOCUS ON PROTECTING EXISTING TREES AND VEGETATION.

Alvarez: BECAUSE I REMEMBER DURING THAT DISCUSSION WE TALKED ABOUT THE TREES AND HOW FAR APART THEY WERE IN TERMS OF SHADING THESE ASPHALT -- THESE LARGE ASPHALT PARKING LOTS, AND SO THAT WAS -- THAT WAS PART OF THE DISCUSSION THAT HAD TO DO WITH SPACING AS WELL, IN ADDITION TO THE SIZE OF TREES THAT YOU'RE PLANTING AND OBVIOUSLY THAT WILL GROW TO A CERTAIN SIZE AND BE ABLE TO SHADE A CERTAIN AMOUNT. IS THAT ALSO SOMETHING YOU'RE LOOKING AT, THE SPACING AS WELL?

THE SPACING. I THINK THE REFERENCE WAS TO SPACING OF

LANDSCAPED ISLANDS WITHIN PARKING LOTS. AND I THINK THAT IS ONE THING THAT WE'LL BE LOOKING AT AS WELL. AND THE OTHER PLACE WHERE SPACING WILL COME UP IS THE SPACING OF NEW STREET TREES ALONG THE STREET.

ONE THING THAT WILL BE A CHALLENGE IN THIS COMMUNITY AS YOU DO MORE AND MORE INFILL WILL BE PROTECTING SOME OF THESE BIG OLD SPECIMEN TREES THAT YOU'VE GOT ON SITE. AND I WAS PLEASED TODAY WHEN WE WENT OUT AND SAW THE DEVELOPMENT ON LAMAR. I FORGET THE NAME OF THE DEVELOPMENT.

BEHIND MARIA'S TACOS. MATT KNOWS IT.

ANYWAY, IT WAS A VERY NICE DEVELOPMENT THERE AND I DON'T KNOW IF THEY WERE COTTONWOODS OR LIVE OAKS. I GOT THE CALLS ON THE BIG OAK TREES GOT CUT DOWN ON THE SITE. SO WE WANT TO BRING THE STAFF IN MORE BECAUSE THAT ISSUE WILL COME UP. I'M TALKING ABOUT THE INDIVIDUAL BIG TREE ON A SITE. AND WHAT DO YOU DO BECAUSE THAT MAY BE THE SORT OF ICON IN THE NEIGHBORHOOD, BUT YET IT MAY STAND IN THE WAY OF DEVELOPMENT ON THAT SITE. SO IT'S A TRICKY ISSUE AND IN OTHER COMMUNITIES WHAT WE'VE DONE IS TRY TO CREATE SOME INCENTIVES TO KEEP THAT TREE ON THE THE SITE, BUT IF NOT, THEN HAVE SOME MITIGATION WHERE YOU ACTUALLY PLANT OFF SITE, MAYBE IN A CITY PARK IN THE NEIGHBORHOOD OR CONTRIBUTE TO A CITY TREE FUND, SOMETHING LIKE THAT. SO IT'S AN ISSUE THAT WE'LL WANT TO BRAINSTORM MORE WITH YOU ABOUT.

Alvarez: THANK YOU. AND THANK YOU, COUNCILMEMBER MCCRACKEN, FOR YOUR CONTINUED WORK ON THAT.

McCracken: I WANTED ALSO, COUNCILMEMBER ALVAREZ IS NOT ON THE LAND USE TRANSPORTATION COMMITTEE, BUT HE AND I AND MAYOR PRO TEM JACKIE GOODMAN, WHO RETIRED LAST YEAR, WERE THE THREE AUTHORS OF THIS. AND RAUL AND JACKIE IN PARTICULAR, AS YOU'VE NOTICED, THERE'S A VERY STRONG EMPHASIS ON URBAN HEAT I ISLAND MITIGATION, A VERY STRONG EMPHASIS ON THE DESIGN ISSUES YOU SEE IN OTHER COMMUNITIES. SO A LOT OF THE STUFF THAT IS VERY MUCH FUNCTIONALLY

ORIENTED IS BECAUSE OF WHAT RAUL ALVAREZ AND JACKIE GOODMAN BROUGHT THROUGH YEARS OF WORK ON THE URBAN HEAT ISLAND MITIGATION IN WHICH WE ALL COMBINED EFFORTS. SO A LOT OF WHAT YOU SEE IN THIS IS THANKS TO RAUL ALVAREZ'S WORK. I DIDN'T GET A CHANCE TO SEE HIM YESTERDAY, BUT THAT'S THE BACKGROUND.

WE WERE FAMILIAR WITH THAT WORK. WE WROTE A BOOK, MATT AND I DID, ABOUT 15 YEARS AGO CALLED AESTHETICS COMMUNITY CHARACTER AND THE LAW. AND WE TALKED ABOUT AUSTIN'S LEADERSHIP AND TREE PRESERVATION AND LANDSCAPING. AND THEN MATT RECENTLY WROTE A CHAPTER IN A BOOK CALLED NATURE FRIENDLY COMMUNITIES THAT I AUTHORED THAT FEATURED AUSTIN AND AGAIN TALKED ABOUT THE LEADERSHIP NATIONALLY, PARTICULARLY IN THAT AREA. SO WE COMPLIMENT YOU ON THAT. IT'S NOT ONLY KNOWN TO US, IT'S KNOWN AROUND THE COUNTRY.

Mayor Wynn: AGAIN, THANK YOU ALL VERY MUCH. COUNCIL, WE STILL HAVE ANOTHER BRIEF BRIEFING TO TAKE UP I BELIEVE RELATED TO JOINT USE FACILITIES. THE STAFF PRESENTATION? WELCOME ASSISTANT CITY MANAGER MICHAEL MCDONALD.

GOOD AFTERNOON, MAYOR AND COUNCIL. WE'RE PLEASED TO PRESENT TO YOU A BRIEFING THIS AFTERNOON ON JOINT USE -- CITY JOINT USE FACILITIES. COUNCIL, WE AGGRESSIVELY LOOK FOR OPPORTUNITIES FOR JOINT USE FACILITIES FOR SEVERAL REASONS. ONE, THE BENEFITS THAT CAN BE ACHIEVED THROUGH SHARED COST SAVINGS. TWO, THE IMPACT TO THE OVERLAPPING TAX BASE. ONE OF THE THINGS THAT THIS COUNCIL HAS DONE MORE SO THAN ANY OF THE LOCAL GOVERNMENT ENTITIES IS EMPHASIZE THE IMPORTANCE OF THE OVERLAPPING TAX BASE FOR THOSE THAT ARE LISTENING, THAT'S THE CITY OF AUSTIN, THE COUNTY, THE AISD AND YOUR A.C.C. TAX BASE. AND WHAT WE DO HERE IS WE REALLY TAKE A CLOSE LOOK AT HOW THAT OVERALL TAX BASE IS IMPACTED. OF COURSE, WE KNOW THAT FACILITIES ARE VERY IMPORTANT AND WHAT WE'VE LEARNED IN YEARS PAST IS THE O AND M TO OPERATE THOSE FACILITIES ARE VERY EXPENSIVE AS WELL. BUT WHEN WE WORK TOGETHER WITH OTHER LOCAL

ENTITIES TO -- FOR PARTNERSHIPS, WE CAN CERTAINLY LOWER THOSE COSTS. ANOTHER BENEFIT IS MASTER PLANNING. AS WE SAT DOWN AND WORKED WITH OTHER GOVERNMENTAL ENTITIES, PARTICULARLY WITH AISD, WE'VE COME TO UNDERSTAND SOME OF THEIR LONG RANGE PLANNING, SHARED SOME OF OURS WITH THEM, AND WE LOOK FOR -- IT FACILITATES A DIALOGUE WHERE WE CAN LOOK FOR ADDITIONAL OPPORTUNITIES. AND PROBABLY THE MOST IMPORTANT IS THE CONVENIENCE TO OUR CITIZENS. THE MORE SERVICES THAT CAN BE APREEFD AT ONE LOCATION THROUGH A ONE STOP APPROACH, THE BETTER FOR OUR CITIZENS. MOST OF OUR CURRENT JOINT USE FACILITIES ARE WITH THE PARTNERSHIP WE HAVE WITH AISD. WE WILL CONTINUE TO AGGRESSIVELY LOOK FOR THESE TUPTS BECAUSE WE CERTAINLY REALIZE THE COST SAVINGS THAT CAN BE ATREEFD THERE. -- ACHIEVED THERE. OUR PARKS AND RECREATION DIRECTOR, WARREN STRUSE, WILL BE DELIVERING THE PRESENTATION FOR YOU. AFTERWARDS IF YOU HAVE ANY QUESTION, DAN ROBERTSON, WHO IS IN CHARGE OF THE FACILITIES FOR AISD, IS ALSO AVAILABLE FOR QUESTIONS. MR. STRUSE?

THANK YOU VERY MUCH, CHIEF, I AM WARREN STRUSE, DIRECTOR OF THE AUSTIN PARKS AND RECREATION DEPARTMENT. IT'S A PRIVILEGE TO SPEAK TO YOU TODAY ABOUT SOMETHING NEAR AND DEAR TO THE PARKS AND RECREATION DEPARTMENT. I'M VERY PROUD OF OUR RELATIONSHIP THAT WE HAVE WITH THE AUSTIN INDEPENDENT SCHOOL DISTRICT AND DAN ROBERTSON OBVIOUSLY HAS BEEN AN INCREDIBLE ALLY FOR THIS JOINT USE OPPORTUNITY. HOW DID JOINT USE GET STARTED? ABOUT 45 YEARS AGO IS WHEN THE JOINT USE PHILOSOPHY STARTED IN 1961. THE CITY OF AUSTIN AND THE AUSTIN INDEPENDENT SCHOOL DISTRICT ENTERED --

Mayor Wynn: WHILE WARREN IS STILL STRUTTING HIS SELF AFTER THE DEFEAT OF THE TEXAS LONGHORNS BY TEXAS A&M THE OTHER NIGHT.

MAYOR, I WAS REALLY PROUD OF THAT LAST NIGHT.

IN 1961, THE CITY OF AUSTIN AND THE AISD ENTERED INTO AN AGREEMENT ON THE JOINT USE AND DEVELOPMENT OF

RECREATIONAL FACILITIES AND PROGRAM. IF YOU'LL NOTE IN '61, IT WAS ALL ABOUT RECREATION, ABOUT THE JOINT USE RECRETION OPPORTUNITIES WITH AISD. 20 YEARS LATER IN 1981, THE PHILOSOPHY OF THE AGREEMENT WAS RENEWED TO CREATE SHARED FACILITIES THAT WOULD PLACE A LOWER DEMAND ON THE TAXPAYER WITHOUT SACRIFICING THE DESIRED LEVEL OF COMMUNITY SERVICES. SO NOT ONLY DID IT TAKE PLACE FROM RECREATIONAL ACTIVITIES IN 61, BUT THEN IT WAS RENEWED IN '81 TO MAKE IT A COMPLETE SHARED USE PHILOSOPHY. THE CHIEF COVERED MANY OF THE BENEFITS OF JOINT USE. I DID WANT TO TAKE JUST A MOMENT TO TALK ABOUT SOME OF THE MOST IMPORTANT ONES. LEVERAGING PUBLIC FUNDS TO CREATE RICHER PROJECTS. AND WE'VE ALREADY SEEN THAT AND WE'LL TALK ABOUT THE NATIONAL MODEL HERE IN JUST A SECOND. EMBRACES THE ONE STOP SHOP FACILITY. IT DOES THAT WELL. EASIER ACCESS TO A WIDER RANGE OF SERVICES. IT DOES REDUCE VEHICLE TRIPS, PROMOTES -- I THINK THIS IS MOST IMPORTANT. PROMOTES A SPIRIT OF COLLABORATION BETWEEN US AND THE SCHOOL DISTRICT. OFFERS COST SHARING FOR MAINTENANCE OPERATIONS AND UTILITY COSTS. IT CAN BE DONE QUITE WELL IF PLANNED CORRECTLY. AND THEN LASTLY, A BIG SAVINGS, AND YOU'LL SEE THIS LATER IN THE PRESENTATION, REDUCES LAND ACQUISITION COSTS. EXAMPLES OF CURRENT USE PROJECTS, IF YOU'LL GO TO THE NEXT ONE, SHARED CAMPUS. THIS IS -- THIS TRULY IS THE MODEL THAT WE'RE ALL SO PROUD OF. THE JJ PICKLE ELEMENTARY SCHOOL, THE SAINT JOHN COMMUNITY CENTER, VIRGINIA L. BROWN RECREATION CENTER, ALL IN THE SHARED CAMPUS. IT IS AN INCREDIBLE MODEL AND I THINK MOST OF THE COUNCIL HAS ALREADY BEEN A PART OF THAT AND IT REALLY IS QUITE A MODEL. THE JIM NICEIUM, -- JIM THE GYM, IT'S USED DURING THE WEEK AND ALSO THE WEEKENDS. NOT ONLY DO WE HAVE OUR RECREATIONAL OPPORTUNITIES ALSO IN THIS CAMPUS, WE ALSO HAVE THE CENTER THAT CONTAINS A FULL SERVICE LIBRARY, A HEALTH AND HUMAN SERVICES AND THEN OF COURSE OUR AUSTIN POLICE DEPARTMENT SUBSTATION. SOMETHING THAT I'M REAL PROUD OF IS THE VISION THAT STARTED BEFORE ME AND STARTED BEFORE MANY OF US WAS IN THE EARLY -- ACTUALLY, THE LATE '60S, EARLY '70'S. WE HAD A

VISION BACK THEN WHEN WE DIDN'T HAVE AS MUCH PARKLAND AS WE DO NOW. WE DECIDED IT WAS A GOOD OPPORTUNITY TO GO AND WORK WITH THE SCHOOL DISTRICT FOR JOINT USE AND FOR THE OPPORTUNITY TO HAVE UNDIVIDED INTEREST IN PROPERTY BETWEEN THE SCHOOL DISTRICT AND THE PARKS AND RECREATION DEPARTMENT. AND WE CONCENTRATED AT THAT TIME TO PROVIDE RECREATION FOR OUR YOUTH. WE CONSTRUCTED DESIGN AND BUILT 26 SCHOOL PLAYGROUNDS ADJACENT TO OUR ELEMENTARY SCHOOLS. AN IDEA ABOUT HOW THOSE PLAYGROUNDS WERE DISTRIBUTED, YOU CAN SEE A MAP IN FRONT OF YOU WITH THE RED STAR SHOWING THE LOCATIONS OF THOSE PLAYGROUNDS AND WHERE THEY WERE LOCATED AT THAT TIME. ANOTHER JOINT USE THAT IS RELATIVELY NEW ON THE RADAR, AND I'M REAL PROUD OF IT AND I'M PROUD OF OUR AWE QUAWT TICKS BRANCH IS WE HAVE COLLABORATIVELY WORKED WITH THE SCHOOL DISTRICT RECENTLY TO TAKE ONE OF OUR POOLS WHICH IS IN NORTHWEST AUSTIN, CALLED BALCONES, AND NOW WE HAVE HEATED IT. WE HAVE MADE IT A 12-MONTH FACILITY. BALCONES POOL IS NOW A 12-MONTH FACILITY AND THIS WAS DONE IN COLLABORATION WITH THE SCHOOL DISTRICT. THE SCHOOL DISTRICT SAT DOWN WITH US TO PROVIDE SWIMMING OPPORTUNITIES FOR OUR STUDENTS IN THE MORNING AND OPPORTUNITIES FOR OUR PUBLIC AND OUR COMMUNITY DURING THE DAY. AND IT IS IN OPERATION AS WE SPEAK. WE'VE HAD A VERY MILD WINTER, SO OUR EXPENSES ARE RELATIVELY LOW AND OUR RECREATION VALUE AND STUDENT USE IS UP. TENNIS IS A MODEL THAT HAS PROVEN SUCCESSFUL FOR MANY YEARS. THIS IS THE AUSTIN HIGH TENNIS CENTER ADJACENT TO AUSTIN HIGH AND THIS FACILITY IS AVAILABLE DURING THE DAY WITH BOTH SCHOOL PRACTICE AND ALSO FOR RECREATIONAL OPPORTUNITIES WHEN THE COURTS ARE NOT BEING USED AND THEN OF COURSE AFTER SCHOOL AND ON WEEKENDS FOR THE PUBLIC. A MODEL THAT'S BEEN VERY, VERY SUCCESSFUL. NOT ONLY DO WE HAVE SHARED FACILITIES, BUT ALSO SHARED RECREATIONAL PROGRAMS. SOME EXAMPLES OF SOME RECREATIONAL PROGRAMS THAT WE'RE DOING NOW, THE PARKS AND RECREATION DEPARTMENT IN SCHOOL DISTRICT FACILITIES, IS WE CURRENTLY HAVE A BASKETBALL PROGRAM AT SUNSET

VALLEY. WE HAVE CHEER LEADING AT ODOM, WE HAVE SOCCER NOW AT ST. ELMO. WE ACTUALLY HAVE SIGN LANGUAGE OVER AT BECKER AND WE HAVE CARATTY AT -- KARATE OVER AT BOONZ SCHOOL. ANOTHER MODEL WE'RE PROUD OF IS THE BARBARA JORDAN SCHOOL. WE OPERATE AN AFTER SCHOOL PROGRAM OVER AT BARBARA JORDAN WHICH INCLUDES TUTORING, ARTS AND RECREATIONAL SPORTS. SO THE EDUCATIONAL DAY FOR THE CHILDREN IS NOT OVER AT THE END OF SCHOOL. THEY HAVE THE OPPORTUNITY TO ENTER INTO THE PROGRAMS THAT WE'RE OFFERING AT BARBARA JORDAN. CONTINUING WITH SOME OTHER RECREATIONAL PROGRAMS, OF COURSE, OUR TRADITIONAL BASED PROGRAM, AND OUR RECREATION CENTERS, IS OUR AFTER SCHOOL PROGRAMS OFFERED AT 17 RECREATION CENTERS FOR ELEMENTARY AGE CHILDREN. THAT PROGRAM IS AS POPULAR TODAY AS IT'S EVER BEEN. WE ALSO HAVE A JOINT USE OPPORTUNITY GOING WITH AISD CURRENTLY USING THE CITY'S BUTT LETTER SOFT WALL -- BUTLER SOFTBALL FIELDS FOR COMPETITIVE FAST PITCH PLAY. THE SCHOOL DISTRICT CAME TO US AND SAID WE'RE RUNNING OUT OF OPPORTUNITIES FOR THESE PROGRAMS. WE ENTERED INTO DISCUSSION WITH THEM AND WE'RE UTILIZING BUTLER BALL FIELDS AT THAT TIME WHICH WAS UNDERUTILIZED AND NOW WE HAVE I THINK A REAL SUCCESSFUL PROGRAM. ALSO, OUR CULTURAL AFFAIRS DIVISION IS ALSO WORKING VERY HARD. THE DAUGHERTY ARTS CENTER PROVIDES SPECIALTY ARTS CLASSES SUCH AS MUSIC, ART AND PERFORMANCE CLASSES OFFERED AT MANY OF OUR ELEMENTARY SCHOOLS. SOME EXAMPLES ARE PEASE ELEMENTARY AND ZILKER ELEMENTARY. THOSE ARE SOME OF THE EXAMPLES OF OUR JOINT USE. LET'S TALK ABOUT WHAT'S ON THE IMMEDIATE HORIZON. WE TALKED TO COUNCIL AND DAN AND THE SCHOOL DISTRICT AND US, WE'LL BE COMING TO COUNCIL SOON TO TALK ABOUT COLONY PARK AND THE PLANS THAT WE HAVE FOR COLONY PARK. WE BRIEFED COUNCIL ONCE BEFORE ON THIS AND AISD NOW IS PLANNING TO BUILD A NEW COLONY PARK ELEMENTARY SCHOOL ON PARKLAND NEXT TO THE TURNER ROBERTS RECREATION CENTER AND SHARE IN THE COST OF A JOINT USE GYM. AND WE'RE JUST ABOUT THROUGH WITH OUR DISCUSSIONS ON HOW THAT'S GOING TO WORK AND WE'RE

EXTREMELY EXCITED AND WE'LL BE COMING TO COUNCIL SOON WITH THIS CONCEPT. THE SITE IS LOCATED NEAR THE INTERSECTION OF LOYOLA LANE AND JOHNNY MORRIS ROAD. FUTURE USE -- FUTURE JOINT USE PROJECTS THAT WE HAVE, AND WE TALKED A LITTLE BIT TO COUNCIL ABOUT THIS AS WELL. THIS IS ONE WHERE DAN AND HIS STAFF IS WORKING VERY CLOSELY WITH US. THIS IS THE NORTHEAST TENNIS CENTER THAT WE HAVE PLANNED ALSO OUT ON JOHNNY MORRIS ROAD. THE CITY AND AISD IS PLANNING TO BUILD A STATE-OF-THE-ART, 12 TO 16-COURT TENNIS FACILITY ON PARKLAND. AND WE HAVE JUST A QUICK CONCEPTUAL PLAN FOR YOU ON HOW IT MAY BE LAID OUT, BUT IT RIGHT ADJACENT TO THE MIDDLE SCHOOL THAT THEY'RE PLANNING TO BUILD REAL SOON. FUTURE AQUATICS, IT'S BEEN SUCH A SUCCESS THAT WE'RE PLANNING ON ANOTHER LOCATION. WE'RE TALKING ABOUT DIFFERENT LOCATIONS. I KNOW THAT RIGHT NOW SOME DISCUSSIONS ARE CENTERED AROUND DICK NICHOLS POOL. WE'RE TALKING ABOUT THE OPPORTUNITY FOR DICK NICHOLS. WE'RE LOOKING AT NORTHWEST, SOUTHWEST, EAST TO SEE WHAT GOOD FUTURE LOCATIONS WE CAN USE TO GET US 12-MONTH FACILITIES FOR AQUATICS TO SERVE OUR CHILDREN. AISD AND THE CITY ARE NOW DISCUSSING FUTURE PLANS TO PROVIDE A HEATED POOL WHERE STUDENTS AND THE COMMUNITY CAN SWIM YEAR-ROUND. WE DON'T WANT TO FORGET GOLF. WE HAVE AN OPPORTUNITY AND WE'RE TALKING RIGHT NOW WITH AISD ABOUT A SHORT GOLF COURSE LEARNING CENTER FOR STUDENT USE DURING THE SCHOOL DAY AND COMMUNITY USE DURING ALL OTHER OPERATING HOURS. WE THINK THIS IS GOING TO BE A REALLY NEAT INITIATIVE. I KNOW THE DISTRICT IS REAL INTERESTED IN PROVIDING ADDITIONAL GOLF OPPORTUNITIES FOR THE YOUNGSTERS DURING THE SCHOOL DAY. AND I THINK WE CAN ACCOMMODATE THAT OUT AT JIMMY CLAY AND KAISER. SO WE'RE LOOKING FORWARD TO THAT AND WE'RE STILL ENTERING INTO THOSE DISCUSSIONS AT THAT TIME. IN CLOSING, COUNCIL, TO MAKE MY COMMENTS BRIEF, JOINT USE AGAIN, THE FACILITIES AND PROGRAMS, THEY DO PROVIDE EFFICIENCY TO PROMOTE A GREAT DEAL OF COLLABORATION AND GOOD FAITH BETWEEN THE TWO ENTITIES, THE SCHOOL DISTRICT AND THE PARKS AND RECREATION DEPARTMENT, AND I'M

ALWAYS ONE TO FIRST SAY THAT THE CHILDREN OF THE SCHOOL DISTRICT ARE OUR CHILDREN. AND IT'S US THAT WANT TO MAKE SURE THAT WE CAN WORK TOGETHER WITH THE SCHOOL DISTRICT TO MAKE THAT HAPPEN BEST. I'M AVAILABLE FOR ANY QUESTIONS THAT YOU MIGHT HAVE.

Mayor Wynn: THANK YOU, MR. STRUSE. QUESTIONS?  
COUNCILMEMBER KIM.

Kim: CAN YOU TELL ME WHAT WE'RE DOING WITH THE COUNTY. I LIKE THE PRESENTATION ON THE SCHOOL DISTRICT. IT SEEMS LIKE WE'RE MAKING A LOT OF PROGRESS THERE, BUT WHAT ABOUT WITH THE COUNTY? DO YOU HAVE ANY SPECIFIC EXAMPLES ON ANY MIXED USE ON FACILITIES WITH THE COUNTY?

NOT SO MUCH IN THE FORM OF FACILITIES WITH THE COUNTY. CERTAINLY WE HAVE CERTAINLY PARTNERSHIPS LIKE OUR E.M.S. AND IN THE HEALTH DEPARTMENT WE HAVE SEVERAL PARTNERSHIPS WITH THEM WHERE WE CERTAINLY REALIZE SOME BENEFITS ALONG THOSE LINES.

Kim: I'VE BEEN TOLD THAT THERE MAY BE SOME OPPORTUNITIES, FOR EXAMPLE, SOMETHING WE'RE ABOUT TO DO WITH THE SHOOTING RANGE OR A PRACTICE RANGE FOR OUR POLICE OFFICERS AND THEY MAY NEED A SHOOTING RANGE AS WELL. SO I THINK THAT'S ONE OPPORTUNITY I'VE HEARD OF. AND THEN THE SECOND ONE I'VE HEARD OF IS A MUNICIPAL COURT BUILDING THAT THEY NEED SOME -- SOME CIVIL COURT SPACE OR SOMETHING OF THAT NATURE THAT THEY'VE ASKED THE CITY TO LOOK INTO AS WELL. FOR JOINT USE.

YES. CERTAINLY THE OPPORTUNITY IS THERE AT THE OLD MUNICIPAL COURT SITE. AS YOU KNOW, THE FORMER JAIL WAS THERE BEFORE TRAVIS COUNTY OPENED THEIR OTHER FACILITY. SO A LOT OF THAT SPACE HAS REMAINED VACANT AND THAT WAS COUNCIL'S INTENTION. SO WE HADN'T PUT FORTH ANY PARTICULAR PLANS AT THIS TIME FOR THAT SPACE.

WE HAVE A FACILITY PLANNING EXERCISE UNDERWAY NOW WHERE WE'RE LOOKING AT SOME OF THOSE ISSUES. AND AS

YOU KNOW, WE VERY WELL MAY HAVE ON THE BOND ELECTION AN ITEM FOR THE MUNICIPAL COURT AND ALSO FOR A PUBLIC SAFETY COLLEGE THAT WOULD INCLUDE I THINK SOME OF THE THINGS YOU'RE INQUIRING ABOUT.

Kim: THAT'S JUST FOR THE CITY, THOUGH. THE COST IS ASSUMING THAT WE'RE JUST DOING IT BY OURSELVES, RIGHT? FOR THE BOND?

I THINK WE WOULD LOOK AT THAT WHEN WE GOT DOWN TO THE ACTUAL PLANNING STAGE FOR THE FACILITY, KNOWING THE BUDGET THAT WE HAD AT THAT TIME.

Kim: OKAY. I'LL GO THROUGH MY NOTES AND I'LL TRY AND DIG THEM UP AND GIVE THEM TO YOU SO MAYBE YOU CAN FOLLOW UP WITH THE COUNTY. I KNOW WE HAVE OUR COUNTY-CITY SUBCOMMITTEE AS WELL THAT COULD LOOK AT THAT. THANK YOU.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER ALVAREZ.

Alvarez: MAYOR, I THINK MR. STRUSE PROBABLY KNOWS WHAT THIS QUESTION IS GOING TO BE, BUT YOU MENTIONED OUR JOINT USE TENANT FACILITY, AND THAT -- THE QUESTION THAT DOESN'T GO AWAY, WHAT'S IT GOING TO TAKE FOR US TO GET 68 INSTEAD OF 12.

I KNEW THAT WAS COMING, COUNCILMEMBER, AND I WAS PREPARED FOR IT. ONE OF THE THINGS WE'RE LOOKING AT IS AS WE GET CLOSER TO THE DESIGN WE'LL HAVE A MUCH BETTER IDEA OF WHAT THOSE DOLLARS WILL NEED TO BE. WE RECOGNIZE THAT WE MAY NOT HAVE ENOUGH FUNDING RIGHT NOW, SO WHAT WE'RE DOING IS WE'RE LOOKING AT USTA, UNITED STATES TENNIS ASSOCIATION. IN MY TRAVELS AND DISCUSSIONS WITH UTSA, THIS COULD BE THE MODEL TENNIS CENTER THAT MAYBE THEY WOULD LOOK AT JOINING WITH US WITH SOME FUNDING. SO WE'RE LOOKING AT ALTERNATIVE FUNDING FOR IT TO TO MAKE SURE WE GET THE 16. AND WE'LL MAKE EVERY ATTEMPT TO GET THE 16 WITHIN THE DESIGN AS POSSIBLE.

Alvarez: I COULDN'T PASS UP THE OPPORTUNITY. THANK YOU.

I UNDERSTAND.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? THANK YOU, CHIEF, MR. STRUSE.

Mayor Wynn: COUNCIL, WE'RE RUNNING A FEW MINUTES BEHIND, BUT WE HAVE A COUPLE OF ITEMS WE CAN TAKE UP QUICKLY. FIRST, FOR THE RECORD, MS. GENTRY, ITEM NUMBER 39 HAS BEEN WITHDRAWN. WE HAVE POSTPONED TAKING UP ITEM NUMBER 41 AND ITEM 43 AND 44 WERE ALSO WITHDRAWN AND NOT TAKEN UP IN CLOSED SESSION. OKAY. COUNCIL, EARLIER WE HAD A COUPLE OF ITEMS PULLED OFF THE AGENDA AND SOME FOLKS ARE WAITING. ITEM NUMBER 32 RELATES TO THE CONSIDERATION OF WAIVING THE INTERIM DEVELOPMENT RESIDENTIAL ORDINANCE. AND I'LL WELCOME A BRIEF STAFF PRESENTATION.

THANK YOU, MAYOR AND COUNCIL. TESTING, ONE, TWO, THREE, HERE I GO. THANK YOU, COUNCIL. ITEM 32 IS A WAIVER REQUEST UNDER THE PROVISIONS OF THE INTERIM DEVELOPMENT ORDINANCE PASSED BY COUNCIL TWO WEEKS AGO. THE OWNERS' ARCHITECT, MR. JAMES HOLLAND, HAS REQUESTED A WAIVER TO INSTRUCT A 2,323 SQUARE FOOT TWO-STORY ADDITION TO AN EXISTING SINGLE-FAMILY HOME AT 1511 HARDOIN AVENUE. IN ASSESSING THE REQUEST FOR THE WAIVER, THE PROPOSED STRUCTURE SIZE DOES INDEED EXCEED ALL THREE OF THE LIMITATIONS SET FORTH IN PART 33 OF THE INTERIM DEVELOPMENT REGULAR LAYINGS ORDINANCE. THE PROPOSED FLOOR TO AREA RATIO IS .48 TO ONE. IT EXCEEDS THE 2500 SQUARE FOOT LIMITATION GIVEN THAT THE TOTAL ADDITION AFTER THE REMODEL WILL BE 3,914 SQUARE FEET. AND THEN THE EXISTING SIZE PLUS 1,000 SQUARE FOOT LIMITATION AGAIN ONLY ALLOWS A 1,000 SQUARE FOOT ADDITION AND OF COURSE THE ADDITION IS 2,323 SQUARE FEET. JUST TO KIND OF BRING YOU IN ON WHAT THE RESIDENCE LOOKS LIKE, AND THAT IS SURVEY OF THE SITE. AS YOU CAN SEE, THERE'S A SINGLE-FAMILY RESIDENCE HERE WITH A SIDEWALK, A LONG DRIVEWAY TO THE BACK AND THEN A WOOD FRAMED GARAGE IN THE BACK AND A CONCRETE PATIO IN THE BACK. WHAT'S BEING

PROPOSED IS AN ADDITION ON TO THE BACK OF THE HOUSE AND WHAT YOU SEE IN YELLOW HIGHLIGHTED HERE IS THE ORIGINAL FOOTPRINT OF THE EXISTING HOME. THE ADDITION HERE IS SHOWN IN THE BACK. THE EXISTING PATIO IS PROPOSED TO BE REMOVED AND THEN THE GARAGE THAT WAS HERE IS NOW BEING PROPOSED TO BE REPLACED BY A PAVILION. ALSO, THE DRIVEWAY THAT WAS ALONG THE WEST SIDE OF THE HOME WILL NOW BE SHORT EARNED INTO A CIRCULAR DRIVE IN FRONT OF THE HOUSE. AND JUST SOME OF THE KEY NOTES ON THIS PROPOSAL, THE TOTAL IMPERVIOUS COVER IS PROPOSED TO BE AT 45%. A COUPLE OF PHOTOS OF THE HOME. LET'S SEE IF WE CAN GET THIS IN FOCUS. OKAY. THE SUBJECT HOME IS LOCATED ON THE RIGHT, AND THAT'S 1511 HARDOUIN AVENUE. ONE MORE PHOTO SHOWS AN ADJACENT HOME ON THE LEFT, AND ACTUALLY THAT HOME HAS A AM FER AM LABLGHTS UB FA IS A -- HAS A MUCH LARGER FACADE THAT YOU CAN SEE HERE. AND THIS IS THE EXISTING HOME. SORRY ABOUT THE FOCUSING PROBLEMS. THE HOUSE ON THE OTHER SIDE OF THE SUBJECT LOT IS A -- LOOKS LIKE A MULTI-STORY RED BRICK HOME. AND AGAIN, IT HAS A FAIRLY SIMILAR FACADE IN TERMS OF SIZE AND SCALE. NOW, THE APPLICANT'S GROUNDS FOR THE WAIVER IS THAT THE REGULATIONS I AM SUPPOSE AN -- IMPOSE AN UNDUE HARDSHIP DUE TO SIGNIFICANT TIME AND INVESTMENT IN THE PROJECT TO DATE AND ALSO THE APPLICANT STATES THAT THE APPROVAL OF THE WAIVER WILL NOT ADVERSELY AFFECT PUBLIC HEALTH, SAFETY OR WELFARE SINCE THERE ARE NO EXISTING WATER DRAINAGE ISSUES WITH THIS LOT. NOW, THIS WAS INFORMATION THAT WAS SUBMITTED AND YOU'LL SEE IT IN YOUR BACKUP. IT WAS THE BACKUP WITH THE BIG NUMBER 32 AT THE TOP. THIS WAS ADDITIONAL INFORMATION SUBMITTED RELATIVE TO THE DIFFERENT LEVELS OF IMPERVIOUS COVER AND SOME OF THE OTHER CONSIDERATIONS THAT THE APPLICANT WILL LIKELY TALK TO YOU ABOUT AS THEY SPEAK LATER. BUT AS WE REVIEWED THE INFORMATION AND LOOKED AT THE REASON THAT THE APPLICANT WAS USING TO CLAIM A HARDSHIP AND ALSO CLAIMING THE FACT THAT THERE WAS NOT AN ADVERSE IMPACT ON PUBLIC HEALTH SAFETY ITEMS, REALLY THERE WASN'T SUFFICIENT INFORMATION SUBMITTED TO CONCLUDE THAT THERE ARE NO EXISTING

DRAINAGE ISSUES AS A RESULT OF THIS PROPOSED REDEVELOPMENT, BUT SIMPLY JUST A STATEMENT ON THE APPLICATION WITHOUT ANY SUPPORTING DATA. AND THEN DUE TO THE LACK OF SUFFICIENT SUPPORTING EVIDENCE AT THIS TIME, STAFF RECOMMENDS DENIAL OF THE WAIVER REQUEST. NOW, DURING THE COURSE OF THIS, AND REMEMBER, THIS IS OUR VERY FIRST WAIVER REQUEST AND THIS WAIVER WAS TURNED IN JUST ONE WEEK AGO AND WE WERE ABLE TO GET SUPPLEMENTAL INFORMATION FROM THE APPLICANT ONLY THREE OR FOUR DAYS AGO. IT'S BEEN KIND OF AN ITERATIVE PROCESS TO WORK WITH THE APPLICANT TO GET ENOUGH DOCUMENTATION TO GET TO HAVING JUSTIFIABLE REASONS PER YOUR ORDINANCE TO BOTH MEET THE HARDSHIP ISSUE AND ALSO CLEAR THE HURDLE OF HAVING NO IMPACTS ON PUBLIC HEALTH, SAFETY AND WELFARE FROM THE DRAINAGE STANDPOINT. SO WITH THAT, I'LL TAKE ANY QUESTIONS AND I KNOW THAT THE APPLICANT IS HERE AND WOULD LIKE TO TALK TO YOU A LITTLE BIT MORE ABOUT SOME ADDITIONAL INFORMATION THEY MAY BRING TO SHED LIGHT ON THE DRAINAGE SITUATION.

Mayor Wynn: THANK YOU. YES, WE HAVE THE OWNER AND THE ARCHITECT HERE, BUT COMMENTS? COUNCILMEMBER DUNKERLEY.

Dunkerley: HOW TALL IS THE STRUCTURE?

IT IS CURRENTLY A TWO-STORY. WE DO NOT HAVE THE HEIGHT, BUT IT'S LESS THAN 35 FEET.

Dunkerley: OKAY. THE SECOND QUESTION, MOST OF THE ADDITION IS TO THE BACK. SO THE FRONT WOULD NOT BE IMPACTED.

IT IS.

Dunkerley: WHEN YOU LOOK AT IT FROM THE STREET, FROM THE PICTURES THAT YOU HAVE, IT SEEMS TO ME THAT IT'S PROBABLY RELATIVELY COMPATIBLE. IN FACT, THIS ADDITION WILL MAKE IT MORE COMPATIBLE WITH THE NEIGHBORHOODS.

WE HAD JUST SOME PRELIMINARY INFORMATION ON THE GROSS FLOOR COVERAGE OF THE HOMES ON EITHER SIDE OF THIS, AND WITH THIS ADDITION ON THEIR HOME, THEY WILL BE UP TO THE SIZE OF THE OTHER TWO LOTS. THEY WILL BE MORE COMPATIBLE THEN. REALLY THIS IS KIND OF A SMALLER HOME STUCK BETWEEN TWO LARGER HOMES.

Dunkerley: THAT'S WHAT IT APPEARED FROM THE PICTURES, THAT THIS ADDITION WOULD PROBABLY MAKE IT MORE COMPATIBLE WITH THE SURROUNDING HOMES.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I WOULD LIKE TO HEAR FROM THE ARCHITECT.

Mayor Wynn: YES. WE HAVE TWO FOLKS SIGNED UP WISHING TO ADDRESS US.

Leffingwell: MAYOR, COULD I ASK JUST ONE QUICK QUESTION? YOU SAID THERE'S INSUFFICIENT ENGINEERING DATA TO SHOW THAT THERE ARE NO DRAINAGE PROBLEMS. WHAT WOULD THAT TAKE FOR YOU TO SEPTEMBER THAT THERE WERE NO DRAINAGE PROBLEMS?

WELL, TYPICALLY THROUGH THE DEVELOPMENT AND REVIEW PROCESS IT'S A FAIRLY STANDARD TEST THAT WE ASK APPLICANTS TO TAKE AND TO PROVIDE THAT DOCUMENTATION. WHEN YOU'RE DOING SUBDIVISION OR CONSTRUCTION PLANS, WE REQUIRE MODELING AND WHAT. IN CASES LIKE THIS WE WOULD TAKE MOST LIKELY SOME LETTER CERTIFICATION FROM AN ENGINEER WHO HAS COME OUT TO THE SITE, EVALUATED IT AND I THINK THE APPLICANT HAS SAID THAT THERE ARE SOME NATURAL DEPRESSIONAL AREAS ON THE SITE THAT THEY WOULD POSSIBLY CONSIDER CREATING A DETENTION POND, BUT ESSENTIALLY ANY DOCUMENTATION FROM A REGISTERED PROFESSIONAL ENGINEER THAT WAS SIGNED AND SEALED, CERTIFIED THAT THERE WAS NOT AN ADVERSE IMPACT.

Leffingwell: ON BARRING SOMETHING UNFORESEEN, THIS COULD BE A SIMPLE PROCESS, HIRE AN ENGINEER TO GO LOOK AT IT AND MAKE THE CERTIFICATION, IS THAT RIGHT?

RIGHT.

Leffingwell: OKAY. THANK YOU.

Mayor Wynn: OKAY. SO THEN -- COUNCILMEMBER ALVAREZ.

Alvarez: I'M JUST CURIOUS ABOUT THE IMPERVIOUS COVER THAT EXISTS. I THINK YOU SAID THE PROPOSAL WOULD TAKE THE IMPERVIOUS COVER TO THE MAXIMUM. IF I'M NOT MISTAKEN, I DON'T THINK YOU CAN GO MUCH PAST --

RIGHT. AND SINCE THE APPLICANT'S FIRST SUBMITTAL, THEY HAVE ACTUALLY MODIFIED SOME OF THE MATERIALS THEY INTEND TO USE FOR SOME OF THE WALKWAYS AND THE DRIVEWAYS. AND THEY'RE NOW PROPOSING TO USE SOME TYPE OF PERVIOUS PAYMENT FOR BOTH SIDEWALKS AND DRIVEWAYS. AND OF COURSE WE DO GIVE CREDIT FOR GRAVEL PATHS THAT ARE USED FOR WALKWAYS, SO WE HAVE ALSO EXTENDED THAT SAME CREDIT TO PERVIOUS PAVEMENT WHERE THERE'S A WALKWAY BUT NOT A DRIVEWAY. SO A PERFECT YOWS DRIVEWAY WOULD STILL BE CONSIDERED IMPERVIOUS COVER. AND WHEN YOU TAKE OUT THE SIDEWALKS THAT WE WOULD CONSIDER PERVIOUS, IT COMES DOWN FROM ABOUT 44.8 OR 9 DOWN TO 42.7% IMPERVIOUS COVER.

Alvarez: BUT THEN THE EXISTING IS ROUGHLY ABOUT HALF AS MUCH?

ROUGHLY 35%.

Alvarez: 35% OF THAT?

35% IMPERVIOUS COVER TO BEGIN WITH.

Alvarez: THAT'S AN ADDITIONAL EIGHT TO 10 PERCENT?

RIGHT.

Alvarez: WHICH OBVIOUSLY COULD LEAD TO AN ADDITIONAL DRAINAGE OFF SITE IF THERE'S MORE IMPERVIOUS COVER, BUT I THINK THAT'S THE ISSUE TO BE FURTHER

INVESTIGATED.

RIGHT. THAT'S WHY WE WOULD LIKE TO HAVE AN ENGINEER CERTIFY IT.

Alvarez: AND FINALLY, IN TERMS OF THE HARDSHIP INVOLVED, I THOUGHT THAT THERE WAS SOME KIND OF A HARDSHIP TEST. I DON'T KNOW THAT I'VE HEARD A PARTICULAR EXPLANATION IN TERMS OF HARDSHIP OTHER THAN -- WHEREAS WE'RE THIS FAR ALONG IN THE PROCESS AND I GUESS HOW FAR ALONG IS THAT, YOU KNOW, IN RELATION TO MAYBE WHERE OTHER PROJECTS -- HOW FAR OTHER PROJECTS MIGHT BE ALONG AND WHAT KIND OF PRECEDENT THIS WOULD SET IN TERMS OF GIVING OR APPROVING THESE TYPE OF WAIVERS.

RIGHT. AS THESE WAIVERS CONTINUE TO COME TO YOU, AND I THINK WE HAVE FIVE FOR NEXT WEEK, THERE WILL BE SOME TYPE OF RELATIVE DIFFERENCE BETWEEN THE LEVELS OF HARDSHIP TOLL THAT WILL BE CLAIMED BY THE APPLICANTS. BUT I HAVE TALKED TO THE APPLICANT AND THEY'RE PREPARED TO TALK ABOUT THEIR PARTICULAR HARDSHIP WITH THE COUNCIL.

Alvarez: OKAY. THANKS.

Mayor Wynn: THANK YOU, COUNCILMEMBER. SO WITHOUT OBJECTION, THE COUNCIL WILL HEAR FROM THE PERSONS SIGNED UP TO ADDRESS US. FIRST IS JAMES HOLLAND. WELCOME, MR. HOLLAND, THE ARCHITECT. AND THEN LINDA STEWART. WELCOME. YOU WILL HAVE THREE MINUTES. AND LIKELY FIELD SOME QUESTIONS.

CAN EVERYBODY HEAR ME? I'M JIMMY HOLLAND, I'M AN ARCHITECT. I REPRESENT LINDA AND MICHAEL STEWART FOR THEIR RESIDENCE. I'VE GOT SEVERAL NOTES HERE. THE INFORMATION THAT Y'ALL HAVE, THERE ARE 10 ITEMS IN YOUR -- IN THE INFORMATION I GAVE YOU THAT YOU HAVE IN YOUR PACKET. LET'S SEE IF I HAVE MY NOTES HERE. EXCUSE ME. ITEMS ONE AND TWO DEMONSTRATE THE HARDSHIP. ITEMS THREE THROUGH SIX DEMONSTRATE THAT WE'RE OKAY AS PART OF OUR HISTORICAL PEMBERTON HEIGHTS NEIGHBORHOOD. ITEMS 7 AND 8 SHOW THAT WE

HAVE ACHIEVED NO ADVERSE EFFECT ON THE RUNOFF. AND NINE AND 10 TALK ABOUT THE 4.8 FLOOR TO AREA RATIO, HOW IT APPROPRIATE TO THE NEIGHBORHOOD. IF YOU'LL LOOK AT THE SKETCH THAT'S ON THE SCREEN HERE, THE CORNER HOME IS APPROXIMATELY 5200 SQUARE FEET AT THE INTERSECTION OF HARRIS AND HARDOUIN. IT WAS BUILT IN 1924. IT'S THE JUDGE SANGARDEN RESIDENCE. IT'S PRETTY UNIQUE. IT'S A VERY UNIQUE, GREAT HOUSE. THE STEWART'S HOME IS THE SECOND ONE, THE MIDDLE ONE IN THE PHOTOGRAPH HERE OF THE SKETCH. THE TAN PART IN THE FRONT IS THE EXISTING, THE LITTLE DARKER AREA IN THE BACK IS THE ADDITION. AND THE BUILDING TO THE LEFT THERE ON THE SKETCH, THE THIRD HOUSE OVER, IS APPROXIMATELY 3800 SQUARE FEET AS IT SITS, WITH THIS FLOOR TO AREA RATIO OF .4, IT COULD GO TO 4800 SQUARE FEET. THE STEWART'S HOUSE, THE MIDDLE HOME, WITH ITS ADDITION AS WE HAVE DESIGNED, IT GOES TO 3900 SQUARE FEET. SO YOU'VE GOT THE CORNER 5200 SQUARE FEET, THE STEWART'S 3900 SQUARE FEET AND THE THIRD HOUSE OVER AT 38 TO 4800 SQUARE FEET. SO WE FEEL LIKE IT'S COMPATIBLE FOR THE NEIGHBORHOOD IN THE FLOOR TO AREA RATIO ISSUE. ACTUALLY, THAT WOULD BE NINE AND 10 ON YOUR LIST, ON MY HANDOUT. TO START AT THE BEGINNING ON THE HARDSHIP, I LOOKED IN MY COMPUTER, MY FIRST PLAN WAS MARCH THE 18th, 2002, SO WE'VE WORKED ON IT QUITE A LONG TIME. LINDA HAS REDESIGNED IT SEVERAL TIMES AND OBVIOUSLY IF YOU'VE EVER DONE A REMODELING PROJECT, THEY'RE ALWAYS OVERBUDGET, SO SHE'S TRIED SEVERAL TIMES TO ISSUE THE PLANS AND GET IT INTO HER BUDGET, WHICH SHE HASN'T BEEN ABLE TO DO YET. SO THAT'S WHY WE CAME IN FOR A WAIVER, THAT'S WHY THE BUILDING WAS NOT SUBMITTED FOR A PERMIT BEFORE THIS PROCESS STARTED. THE SECOND HARDSHIP IS OBVIOUSLY IT'S A WHOLE LOT OF TIME AND EFFORT INVOLVED IN DOING A REMODEL OF THIS SIZE. SHE HAS ARCHITECTURE FEES AND A WHOLE BUNCH OF WHAT I CALL KITCHEN WORK, KITCHEN TABLE WORK. [ BUZZER SOUNDS ] THE ITEMS 4 THROUGH 6 TALK ABOUT THE HISTORICAL NEIGHBORHOOD. OBVIOUSLY WE ALL HAVE OUR PET PEEVES. ONE OF MINE IS THE DISTANCE BETWEEN THE BUILDINGS. I THINK THE DRIVEWAY ON THE SIDE IS A GREAT DESIGN ELEMENT THAT SEPARATES THE BUILDINGS WHICH

WE MAINTAIN. ADDITIONS IN THE BOOK, NOT IN THE FRONT. IT REMAINS THE HISTORIC NATURE OF THE NEIGHBORHOOD. WE DID HAVE A STOOP ON THE FRONT THAT'S SIMILAR TO OTHERS IN THE NEIGHBORHOOD.

Mayor Wynn: MR. HOLLAND, YOUR TIME AS EXPIRED.

REAL QUICKLY, ON THE ISSUE OF DRAINAGE -- LET'S SEE IF WE CAN GET HERE. THE EXISTING IMPERVIOUS COVER IS YELLOW. THE ORANGE IS WHAT WE'RE ADDING, THE PLIEW BLUE IS WHAT WE'RE TAKING AWAY. I TALKED TO A CIVIL ENGINEER AND HE SAID WRECKED GET A CERTIFICATION FROM A CIVIL ENGINEER THAT SAYS THAT OUR SITE DOES NOT MATERIALLY AFFECT THE ADVERSE RUNOFF. UNFORTUNATELY WHEN YOU SUBMIT THAT TO THE CITY -- I DID ONE AT HYDE PARK HERE A YEAR AGO. THERE'S NO STAFF PERSON THAT DOES RESIDENTIAL RUNOFF. IT ALL GOES TO COMMERCIAL. AND EVIDENTLY ACCORDING TO ALLEN, THERE'S A .25 CUBIC FEET PER SECOND RUNOFF, THE KIND OF DESIGNATION THAT FITS WITHIN THE DRAINAGE ORDINANCE THAT ALLOWS FOR A VARIANCE, ALLOWS FOR YOU TO GET APPROVAL WITHOUT DOING ALL THE ENGINEERING. EVIDENTLY THAT'S NOT APPROVED BY THE STAFF, SO THERE'S A STAFF ENGINEERING REQUIREMENT THAT'S REQUIRED FOR ME TO SUBMIT AND GET THEIR APPROVAL. SO I CAN GET THE ENGINEER TO DO THE WORK, I JUST RIGHT NOW THERE'S NOT A SETUP WHERE HE CAN GET IT APPROVED BY THE CITY. SO I MIGHT SUGGEST THAT THAT BE ONE OF THE THINGS THAT YOU LOOK AT. JOE RECOMMENDED THAT IF YOU'RE AGREEING WITH OUR PROPOSAL THAT YOU COULD GIVE US POSSIBLY A CONDITIONAL APPROVAL SUBJECT TO GETTING THE IMPERVIOUS COVER ISSUE TAKEN CARE OF. OUR PROPOSAL IS THAT WE CAN NOT DO THE PAVILION IN THE BACK, WE CAN CHANGE THE IMPERVIOUS COVER DESIGN OF THE DRIVEWAY. IN THE EXISTING IMPERVIOUS COVER IS ABOUT 2900 SQUARE FEET. WE COULD ACTUAL CHIEF NOT INCREASING IMPERVIOUS COVER. ACCORDING TO ALLEN, IF YOU DON'T INCREASE THE IMPERVIOUS COVER ACCORDING TO THE ORDINANCE, YOU DO NOT HAVE -- YOU CANNOT CREATE AN ADVERSE SITUATION FOR RUNOFF TO THE PUBLIC SAFETY. SO IF WE ACHIEVED ONE OF THE TWO THINGS, EITHER THE ENGINEERING CERTIFICATION OR THE

DESIGN SUBMITTED TO THE CITY WITHOUT THE TOTAL IMPERVIOUS COVER INCREASE WE COULD BE ACCEPTED. THANK Y'ALL.

Mayor Wynn: THANK YOU, MR. HOLLAND. COUNCILMEMBER MCCRACKEN.

McCracken: MR. HOLLAND, COULD YOU LET US KNOW HOW MUCH THE STIEWRTS HAVE --

IT'S IN THE DOCUMENTS. IT SHOWS \$20,000.

McCracken: THAT'S HELPFUL TO KNOW. THANK YOU.

Mayor Wynn: LINDA STEWART AND MR. HOLLAND USED UP TWO OF YOUR THREE MINUTES.

I JUST WANT TO SAY HELLO TO EVERYBODY. THANK YOU FOR HAVING US TODAY. MICHAEL AND I LIVED IN THIS HOUSE, WE RAISED A FAMILY OF FOUR HERE. WE WANT TO STAY HERE. WE WANT ROOM TO TURN AROUND WITH OUR GRANDCHILDREN. WE'RE NOT DOING ANYTHING ADVERSE TO THE NEIGHBORHOOD. OUR NEIGHBORS ARING US TO -- BEGGING US TO START THIS PROJECT. WE WILL HAVE A BLOCK PARTY IF YOU ALLOW US THE WAIVER TO GET GOING ON THIS. I APPRECIATE IT AND I'M -- THIS IS AN EMOTIONAL POINT FOR ME, SO I MAY APPROACH EACH OF YOU ON AN INDIVIDUAL BASIS IF I CAN GATHER MY WITS ABOUT ME, BUT PLEASE, PLEASE ALLOW US TO HAVE THIS BECAUSE WE'VE BEEN PLANNING FOR A LONG, LONG TIME. THANK YOU.

Mayor Wynn: THANK YOU. COUNCILMEMBER LEFFINGWELL.

Leffingwell: MA'AM, DID YOUR ARCHITECT SAY THAT YOU WOULD BE WILLING TO FOREGO THE PAVILION, DID I UNDERSTAND THAT CORRECTLY?

WELL, WE COULD LET THAT GO. IT'S AN EXISTING THING. IT'S A GARAGE RIGHT NOW, BUT IT'S NOT WORTH KEEPING, SO WE THOUGHT BECAUSE IT'S ON THE WEST SIDE OF THE HOUSE POSSIBLY WE COULD KEEP IT JUST AS A PLACE FOR A PING PONG TABLE OR SOMETHING LIKE THAT.

Leffingwell: DOES IT HAVE A CONCRETE SLAB OR SOMETHING?

THERE IS ALREADY A CONCRETE SLAB THERE. THERE'S A POSSIBILITY, YOU KNOW, TO GET THE HOME STRUCTURE WE COULD LET THAT GO IF WE HAVE TO.

Leffingwell: THANKS.

I'M READY FOR A REDO. THE LAST THING THAT WAS DONE TO THIS HOUSE BESIDES THE AIR CONDITIONING UNIT THAT WE'VE PUT IN THERE AND THE PATCHED PLUMBING WAS A FORMICA GLOD FLECKED COUNTER TOP IN THE 1960S AND THE HOUSE WAS BUILT IN 1939. IT'S HIGH TIME AND WE DESERVE IT. THANK YOU.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I DON'T HAVE ANY QUESTIONS. I JUST WANTED TO OBSERVE THAT THE TASKFORCE WHICH HAS BEEN HARD AT WORK HAS SIGNALLED A STRONG INTEREST IN ALLOWING F.A.R. BONUSES FOR DRIVEWAYS ON THE SIDE, WHICH IS PRESENT HERE, CONSIDERATION OF ADDITIONAL F.A.R. FOR AN ADDITION TO THE REAR AS OPPOSED TO A COMPLETE TEAR DOWN. THAT'S PRESENT HERE. THIS COUNCIL ON JANUARY 26TH GOT RID OF THE COMMERCIAL DRAINAGE REQUIREMENT THAT WAS IN CITY CODE AND WENT WITH F.A.R. BECAUSE WE DID NOT THINK IT WAS FAIR TO IMPOSE A COMMERCIAL DRAINAGE ENGINEERING REQUIREMENT ON HOMEOWNERS. AND I BELIEVE THAT IT WOULD WORK A POTENTIAL HARDSHIP ON THE STEWARTS TO BE REQUIRED TO DO THIS. BECAUSE THIS IS NOT WHAT WE'RE TRYING TO ACCOMPLISH. THIS DOES NOT ADDRESS ANY OF THE INTERESTS THAT ARE AT PLAY HERE. AND IN FACT, IT'S REALLY ONE OF THE THINGS WE WANT TO ENCOURAGE IN THE COMMUNITY. SO I FEEL VERY STRONGLY IT SHOULD NOT BE INCLUDED -- I'LL MOVE TO GRANT THE WAIVER WITHOUT CONDITIONS.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCRACKEN TO GRANT THE WAIVER AND MS. TERRY TELLS ME THEY HAVE PREPARED SUCH AN ORDINANCE.

YES. THERE I GO. WE HAVE PREPARED AN ORDINANCE THAT IS BEFORE YOU ON THE DAIS THAT GRANTS THE WAIVER.

Thomas: I'LL SECOND.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY MAYOR PRO TEM TO GRANT THE VARIANCE. THERE'S A TECHNICALITY. SO BY GRANTING A VARIANCE, IS IT THAT WE ESSENTIALLY THEN ENABLE THE HOMEOWNER TO THEN HAVE TO GO BACK AND FOLLOW WHATEVER PROCEDURE WAS IN PLACE BEFORE THE INTERIM DEVELOPMENT REGS. THAT IS THE SAME SETBACKS, WHATEVER RESTRICTIONS WERE IN PLACE ON THAT LOT DURING THEIR -- SEVERAL YEARS' WORTH OF PLANNING, WE JUST REVERT BACK TO THAT?

THAT IS CORRECT, MAYOR. ALL THIS WAIVER DOES IS ALLOW THEM TO BUILD, TO CONSTRUCT THEIR 2,323 SQUARE FOOT ADDITION TO THE EXISTING FOOTPRINT, AND IT CONTAINS A KNOT TO EXCEED SIZE, WHICH IS THE 3,009 3,914, WHICH IS THE TOTAL. ALL THE OTHER REGULATIONS STAY IN EFFECT. ALL OF THE OTHER LAND DEVELOPMENT CODE REGULATIONS ARE IN EFFECT, SO THE BOTTOM LINE IS THE ONLY THING THIS WAIVER DOES IS ALLOW THEM TO EXCEED THE LIMITATIONS THAT YOU ALL PUT ON SQUARE FOOTAGE IN THE MORATORIUM. IF THAT'S HELPFUL.

Mayor Wynn: OKAY. I AGREE WITH COUNCILMEMBER MCCRACKEN THAT THIS IS NOT EVEN CLOSE TO A PROJECT THAT WAS ESSENTIALLY TARGETED WITH THE LACK OF COMPATIBILITY THAT WE SEE AROUND TOWN. I TOO WILL BE SUPPORTING THE VARIANCE. COUNCILMEMBER LEFFINGWELL.

Leffingwell: I AGREE ALSO. I THINK THIS -- JUST FROM THE DRAWINGS THAT I'VE SEEN AND THE PHOTOGRAPHS, THERE'S NO LACK OF COMPATIBILITY HERE. IT FITS IN WELL WITH THE SURROUNDING HOUSES. THE IMPERVIOUS COVER IS A LITTLE BIT BELOW WHAT THE LIMITATION IS, BUT I'M STILL TROUBLED BY THE DRAINAGE ISSUE. HERE WE HAVE A NEW INTERIM ORDINANCE IN PLACE THAT WAS -- THE BASIS FOR WHICH WAS DRAINAGE PROBLEMS. THE STAFF HAS RECOMMENDED AGAINST THIS IN LARGE PART BECAUSE

THEY DON'T HAVE AN ENGINEER'S CERTIFICATION THAT THERE ARE NO DRAINAGE PROBLEMS ON THE LOT. ALTHOUGH WE'VE HEARD ANECDOTALLY THAT THERE SHOULDN'T BE ANY. SO I THINK AT LEAST INITIALLY HERE I WOULD BE MORE COMFORTABLE APPROVING THIS CONDITIONED UPON THE APPLICANT SUBMITTING AN ENGINEER'S REPORT SAYING THERE ARE NO DRAINAGE PROBLEMS. MAYBE WE CAN GET AWAY FROM THAT IN THE FUTURE, BUT THAT'S THE POINT OF VIEW THAT I WOULD TAKE RIGHT NOW, OTHERWISE I'M HAPPY TO SUPPORT IT. WOULD YOU ACCEPT THAT AS A FRIENDLY AMENDMENT?

McCracken: COUNCILMEMBER, I'M INCLINED NOT TO, BUT I WOULD LIKE TO HEAR FROM MS. STEWART AND MR. HOLLAND. AND THE REASON WHY I'M NOT INCLINED TOO IS BECAUSE I THINK WE WOULD BE IMPOSING A BURDEN ON THEM THAT WE SPECIFICALLY SAID WE DID NOT WANT. ON JANUARY 26TH WE REMOVED SINGLE-FAMILY FROM THE DRAINAGE REQUIREMENT, AND INSTEAD DID THE F.A.R. APPROACH. BUT AS WE ALL KNOW WE HAD ABOUT 10 DIFFERENT REASONS FOR TAKING THIS APPROACH, AND DRAINAGE WAS OBVIOUSLY ONE, BUT THERE WERE MANY OTHERS. AND THIS WAS PRIMARILY DRIVEN BY COMPATIBILITY. I DO BELIEVE WE WOULD BE PLACING AN UNFAIR BURDEN ON THE STEWARTS FOR DOING SOMETHING THAT IS GOING TO BE CELEBRATED IN THEIR NEIGHBORHOOD AND CERTAINLY NOT AT ALL THE TARGET OF WHAT THESE EFFORTS WERE.

EXCUSE ME. THIS PARTICULAR LOT SLOPES FROM FRONT TO THE BACK. IF YOU'LL NOTICE ON THE SKETCH, THE PROPERTY -- LET'S SEE. THE PROPERTY ON THE CORNER HAS A WALL AROUND IT. THERE'S A WALL IN THE BACK TO THE NEIGHBORS. BASICALLY THE SITE DRAINS TO THE BACKYARD AND STAYS THERE. IT DOESN'T DRAIN ON TO THE NEIGHBORS' YARD. SO WE HAVE A SITUATION WHERE THE ENGINEER WOULD GO OUT AND CERTIFY THAT THE WATER STAYS ON THE SITE. SO THIS IS NOT ONE OF THOSE WHERE WE'RE DRAINING ON TO THEIR NEXT-DOOR NEIGHBOR OR WOULD HAVE A PROBLEM. IF THE ENGINEERING IS REQUIRED, WE CAN DO THAT, IT'S JUST NOT -- IT JUST SO HAPPENS THIS PARTICULAR SITE DOES NOT HAVE A

DRAINAGE ISSUE.

Leffingwell: YOU KNOW, I BELIEVE YOU AND I UNDERSTAND -- EXCUSE ME, MAYOR. I THOUGHT I WAS BEING ADDRESSED. I UNDERSTAND THAT IT'S PROBABLY NOT REQUIRED IN YOUR CASE, BUT AS I SAID BEFORE, AND I'LL JUST SAY IT ONE MORE TIME, THE BASIS FOR THIS INTERIM ORDINANCE WAS DRAINAGE PROBLEMS IN THESE OLDER NEIGHBORHOODS. AND I WOULD JUST -- YOU INDICATED PREVIOUSLY THAT YOU WOULD BE WILLING TO DO THIS TO OBTAIN AN ENGINEER'S CERTIFICATION ON THIS. I THINK THAT WOULD CLEAR THE AIR FOR EVERYONE AND ESTABLISH A SOUND BASIS FOR APPROVAL OF THIS WAIVER.

Mayor Wynn: WE HAVE A MOTION AND A SECOND ON THE TABLE, AND I GUESS A KNOT ACCEPTED FRIENDLY AMENDMENT. COUNCILMEMBER ALVAREZ.

Alvarez: I GUESS I WANT TO JUST CLARIFY WHAT ACTUALLY IS HAPPENING WITH IMPERVIOUS COVER BECAUSE I THINK THE GENTLEMAN SAID THAT THEY WERE ACTUALLY MAINTAINING THE SAME AMOUNT OF IMPERVIOUS COVER. AND I THINK YOU SHOWED A VISUAL THAT -- WHERE THERE WAS IMPERVIOUS COVER REMOVED -- MY CONVERSATION WITH OUR CITY STAFF WAS THAT IT WAS GOING FROM 35 PERCENT TO 42 OR 43 PERCENT, AND I THINK YOUR COMMENT WAS THAT IT WAS BASICALLY GOING TO STAY THE SAME. SO I'M TRYING TO RECONCILE THOSE TWO COMMENTS, I GUESS.

WE CAN MAKE REVISIONS TO THE SITE AND RELOCATE THE DRIVEWAY, ELIMINATE THE PAVILION AND THE BLUE GOES AWAY ON THIS SKETCH.

Alvarez: YOU SAID THAT'S WHAT COULD BE DONE.

IT COULD. IF YOU ACCEPT IT, WE WOULD HAVE TWO OPTIONS. ONE IS TO GO BACK TO A NO INCREASE OF IMPERVIOUS COVER, AND THE ENGINEERING LETTER WOULD SAY, SINCE YOU DIDN'T INCREASE THE IMPERVIOUS COVER, YOU CAN'T BE AN ADVERSE EFFECT TO YOUR NEIGHBOR. THE SECOND WAY IS WE WOULD LEAVE A PORTION OF THIS, WHATEVER THE CITY WOULD APPROVE, AND INCLUDE THE

ENGINEERING LETTER WITH IT. THAT'S WHAT I PROPOSE. WE WOULD HAVE THOSE TWO OPTIONS AVAILABLE TO US.

Alvarez: BARRING THAT RESTRICTION IN PLACE ON THE PROPERTY, THAT IMPERVIOUS COVER WOULD HAVE TO BE MAINTAINED, THEN YOU AGREE THAT THE INCREASE WOULD BE ABOUT EIGHT PERCENT OR SO.

YES, SIR, THE NUMBERS THAT YOU HAVE ON THERE ARE CORRECT.

Alvarez: I GUESS I'M KIND OF TRYING TO LOOK FOR A STANDARD HERE. AND IF WE'RE NOT GOING TO BE ASKING FOR SOME KIND OF DRAINAGE ANALYSIS, I THINK ONE NATURAL THING TO LOOK AT IS ABOUT HOW MUCH ARE YOU INCREASING IMPERVIOUS COVER AND GOING FROM 35 TO 42 PERCENT DOESN'T SEEM LIKE IT'S GOING TO GENERATE A WHOLE HECK OF A LOT OF ADDITIONAL RUNOFF, IT'S ALREADY A PRETTY BIG FOOTPRINT AS IT IS, AND BECAUSE - - AGAIN, I'M JUST TRYING TO LOOK FORWARD TO THE NEXT APPLICATION. AND I THINK IT'S WHEN YOU HAVE THESE SMALL BUNGALOWS THAT HAVE 15 TO 20 PERCENT IMPERVIOUS COVER GOING TO 40 PERCENT, 45 PERCENT WHERE YOU COULD POTENTIALLY DOUBLE YOUR RUNOFF. AND SO I THINK IN THIS PARTICULAR CASE IT'S NOT A SIGNIFICANT THREAT, AND I GUESS I AM HESITANT TO IMPOSE THAT ENGINEER'S ANALYSIS, BUT FOR THOSE REASONS. AND SO AS WE GET MORE OF THESE, I GUESS WE'LL HAVE TO SEE WHAT PRECEDENTS ARE SET MOVING FORWARD FOR THESE TYPES OF WAIVERS. BUT THAT'S ONE OF THE MAIN ISSUES THAT I WAS LOOKING AT. THANK YOU.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? LIKE I SAID, MY POSITION, AND I THINK IT'S IN AGREEMENT WITH THE MAKER OF THE MOTION, IS THAT JUST FROM A SENSE OF FAIR PLAY AS WE PASS THESE INTERIM RULES A FEW WEEKS AGO WAS RECOGNIZING THERE WOULD BE MANY HOMEOWNERS THAT HAD BEGUN A PROJECT AND NOT BEGUN IT IN THE TECHNICAL SENSE AS IN FILED A PERMIT WITH THE CITY, BUT HAD HIRED AN ARCHITECT AND SPENT FIVE FIGURES AT LEAST ON PRELIMINARY PLANNING, ANALYSIS AND JUST FROM A SENSE OF FAIR PLAY, WE NEED TO BE ABLE TO

RECOGNIZE THAT, AND FRANKLY NOT HAVE ADDITIONAL CONDITIONS PUT ON THEIR PROJECT THAT THEY SEEM QUITE REASONABLE AND NOT THE TRUE TARGET OF THESE LACK OF COMPATIBILITY ISSUES THAT WE SEE AROUND TOWN.

McCracken: MAYOR, AND JUST FOR CLARIFICATION PURPOSES, MY MOTION DOES NOT INCLUDE ANY REQUIREMENTS FOR Y'ALL TO CHANGE ANYTHING YOU'RE DOING, NO SCALE BACK OF IMPERVIOUS COVER, ENGINEERING. IN FACT, MY READ OF THE TASKFORCE IS THAT IF THERE'S A STRONG LIKELIHOOD THAT WHAT ENDS UP HERE OUT OF THE TASKFORCE WILL BE TO ENCOURAGE THINGS LIKE Y'ALL ARE DOING. Y'ALL ARE BEING GOOD NEIGHBORS, AND THIS IS AN APPROACH -- WHAT Y'ALL ARE DOING IS APPROACHED AT ALAMO HEIGHTS. IT HAS AND THEIR ORDINANCE STRESSES THIS ISSUE AND I UNDERSTAND THAT DENVER HAS DONE THIS AS WELL. SO WE APPRECIATE WHAT YOU'RE DOING AND WE'RE SORRY THAT YOU GOT CAUGHT UP IN THIS, BUT WE CERTAINLY DON'T WANT TO BE -- WE WANT TO BE FAIR ABOUT IT AND Y'ALL ARE DOING SOME GREAT AND YOU'RE GOOD NEIGHBORS. THANK YOU.

Mayor Wynn: AGAIN, WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE VARIANCE WITHOUT CONDITIONS ON ALL THREE READINGS, AND KNOWING THIS BEING AN ORDINANCE IT WOULD TAKE FIVE VOTES TO PASS THIS ON ALL FIVE READINGS -- THREE READINGS THIS AFTERNOON. FURTHER COMMENTS? HEARING NONE -- COUNCILMEMBER LEFFINGWELL.

Leffingwell: I THINK I WILL HAVE TO STICK TO PRINCIPLE HERE AND OPPOSE THE WAIVER, ALTHOUGH I VERY MUCH WOULD LIKE TO VOTE FOR IT. I THINK WE ARE ESTABLISHING AN IMPORTANT PRECEDENT HERE. AS I SAID BEFORE, THE BASIS FOR THE INTERIM ORDINANCE WAS DRAINAGE AND WE'RE BASICALLY IGNORING IT IN THIS CASE, CONTRARY TO OUR STAFF'S EXPERT ADVICE. SO REGRETTABLY I'M GOING TO HAVE TO OPPOSE THE WAIVER REQUEST.

Mayor Wynn: THANK YOU. A MOTION AND A SECOND ON THE TABLE. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN

FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

NO.

Mayor Wynn: MOTION PASSES ON A VOTE OF SIX TO ONE WITH COUNCILMEMBER LEFFINGWELL VOTING NO. THANK YOU ALL. MS. GENTRY, LET ME CONFIRM, A SLIGHT CORRECTION. I TRIED TO CLEAN UP OUR AGENDA EARLIER. I'LL JUST NOTE THAT ITEMS 44 AND 45, THAT 44 HAS BEEN WITHDRAWN FROM THE AGENDA AND ITEM 45 WAS IN FACT DISCUSSED IN EXECUTIVE SESSION. OKAY. SO COUNCIL, WE HAVE A FEW MINUTES BEFORE WE WOULD NORMALLY BREAK AT 5:30. WE HAD ALSO DELAYED TAKING UP ITEM NUMBER 21. WE HAVE JUST A HANDFUL OF CITIZENS WHO HAVE BEEN WAITING TO SPEAK TO US ON ITEM 21 REGARDING THE SHOAL CREEK RESTRIPING. SO WITHOUT OBJECTION I THINK WE CAN TRY TO GET THROUGH THAT BEFORE 5:30. MY UNDERSTANDING WAS THERE WAS GOING TO BE A STAFF PRESENTATION OF SOME ADDITIONAL THOUGHTS. WELCOME MS. SONDR A CREIGHTON.

GOOD EVENING, MAYOR AND COUNCILMEMBERS, I'M SONDR A CREIGHTON, DIRECTOR OF THE PUBLIC WORKS DEPARTMENT. THE ITEM 21 BEFORE YOU TODAY IS A FOLLOW-UP TO THE SEPTEMBER 29TH COUNCIL MEETING. AT THAT MEETING YOU VOTED UNANIMOUSLY TO REMOVE THE CURB ISLANDS FROM SHOAL CREEK AND THEN YOU DIRECTED STAFF TO GO BACK AND HOLD STAKEHOLDER MEETINGS TO GET ADDITIONAL OPTIONS FOR STRIPING. SO YOU ASKED US TO STOP AT THE LUT AND REVIEW THOSE OPTIONS AND WE'VE DONE THAT. AND TODAY WE'RE PREPARED TO SHOW YOU THE OPTIONS AND THEN SHOW YOU THE BALLOT RESULTS. THERE WERE 26 OPTIONS THAT WERE CONSIDERED, AND ON THE BALLOT THERE WERE ACTUALLY TWO THAT ROSE TO THE TOP. OPTION 2, THAT'S WHY THEY'RE CALLED OPTION 2 AND 3, THE TWO TOP OPTIONS. OPTION 3 WAS RECOMMENDED BY THE AUSTIN CYCLING ASSOCIATION. THIS OPTION IS CONSISTENT WITH ASHTO DESIGN GUIDELINES AND THOSE -- WE ALSO

CONSIDER THIS THE STAFF CONCURRENT RECOMMENDATION. THE ASHTO DESIGN GUIDELINES ARE CONSIDERED SAFETY STANDARDS. THIS ESTABLISHES BIKE LANES AND KEEPS THE CYCLISTS SEPARATED FROM PEOPLE PARKING ON THE STREET. IT RETAINS PARKING ON THE EAST SIDE ONLY AND IT ALSO PROMOTES CYCLING FOR COMMUTER AND RECREATIONAL USE. THE CROSS-SECTION IS -- INCLUDES A SEVEN-FOOT PARKING LANE ON THE EAST SIDE, TWO SIX-FOOT BIKE LANES AND TWO 10-FOOT DRIVE LANES. AND AGAIN, WE FEEL THAT THIS MEETS THE HIGH SAFETY STANDARDS. OPTION 3 WAS ANOTHER ONE OF THE TOP OPTIONS, AND THIS CAPTURED THE GREATEST NUMBER OF VOTES. THIS IS THE LOWEST COST. IT DOES -- COST. IT DOES ALLOW WORKING ON BOTH THE EAST AND WEST SIDE. YOU WOULD HAVE IN THIS SCENARIO WE WOULD SIMPLY REMOVE THE CURB ISLANDS AND THEN WE COULDN'T HAVE TO DO ANY RESTRIPIING. WE WOULD LEAVE FOUR 10-FOOT WIDE STRIPED LANES. THE TWO OUTSIDE LANES WOULD BE DESIGNATED BY SIGNAGE FOR PARKING AND BIKING, SHARED USE PARKING AND BIKING. AND THE TWO CENTER LANES WOULD BE THE DRIVE LANES. THE NEXT SLIDE INCLUDES THE BALLOT RESULTS. OPTION 2 RECEIVED 43% OF THE VOTES OUT OF 837 BALLOTS THAT WE RECEIVED BACK. AND THIS IS FOR CAR-FREE BIKE LANES WITH PARKING ON THE EAST SIDE. OPTION 3 RECEIVED THE TOP NUMBER OF VOTES, AND THAT IS 52%, AND THAT CALLS FOR FOUR 10-FOOT PARKING -- 10-FOOT LANES WITH PARKING AND BIKE LANES ON THE TWO OUTSIDE 10-FOOT LANES. I'D BE GLAD TO ANSWER ANY QUESTIONS YOU MIGHT HAVE.

Mayor Wynn: THANK YOU, MS. CREIGHTON. QUESTIONS, COMMENTS, COUNCIL? COUNCILMEMBER ALVAREZ.

Alvarez: COULD YOU EXPLAIN AGAIN WHAT 3-B AND 3-C ARE?

3-B AND 3-C ARE JUST VARIATIONS OF OPTION 3. 3-B CALLS FOR TWO RIGHT STRIPES TO DELINEATE THE OUTSIDE LANES FROM THE DRIVE LANES. AND THREE 3-C CALLED FOR PUT NG DIAGONAL WHITE STRIPING ALONG THE ENTIRE OUTSIDE LANES WHERE THE PARKING AND THE BICYCLISTS WOULD BE.

Alvarez: AND WHAT IS STAFF'S RELIGIOUS ON THIS? --

STAFF'S RELIGIOUS ON THIS?

THE STAFF'S RECOMMENDATION FOR OPTION 2 FOR SAFETY REASONS, HOWEVER, IF YOU WERE TO GO WITH OPTION 3, WE WOULD CALL FOR THE OPTION 3, NOT 3-B OR 3-C. 3-C WASN'T PARTICULARLY POPULAR. IT WOULD REQUIRE A LOT OF MAINTENANCE TO KEEP ALL THE DIAGONAL STRIPING CURRENT. AND THEN 3-B, WE HAVE CONCERNS ABOUT HAVING TWO WHITE STRIPES, WHICH NORMALLY THEY WOULD DESIGNATE YOU SHOULDN'T BE DRIVING OVER THOSE TWO WHITE STRIPES AS PER TEXAS LAW. SO WE THINK THAT'S IN CONFLICT WITH STATE LAW.

Alvarez: ALL RIGHT.

AND THE REASON WE INCLUDED IT AS AN OPTION TO VOTE ON IS WE DIDN'T WANT TO ELIMINATE ANY SUGGESTIONS THAT CAME FORWARD FROM THE PUBLIC. SO WE DID NOT SCREEN ANYTHING AS IT CAME FORWARD.

Alvarez: THANK YOU, MAYOR.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? AGAIN, WE HAVE A HANDFUL OF FOLKS THAT WANTED TO ADDRESS US, SO WITHOUT OBJECTION WE WILL GO TO OUR CITIZENS SIGN UP. OUR FIRST SPEAKER WAS MICHAEL BLUEJAY. WELCOME. A HANDFUL OF FOLKS WANTED TO DONATE TIME TO YOU, BUT OUR RULES ARE THEY NEED TO BE PRESENT IN THE CHAMBERS TO DO SO. IS EMILY PAIN HERE?

THERE ARE TWO THAT ARE HERE. I HAVE A POWERPOINT PRESENTATION.

Mayor Wynn: GREAT. SO YOU HAVE UP TO NINE MINUTES IF YOU NEED THEM, MICHAEL.

HI, MAYOR AND COUNCILMEMBERS. EYE MICHAEL BLUE JAY. I RUN BICYCLE AUSTIN.INFO. AND MY BICYCLE SAFE.COM HAS BEEN TRANSLATED INTO SEVERAL LANGUAGES AND USED BY GROUPS ALL OVER THE WORLD. I'VE BIKED ON SHOAL CREEK FOR 20 YEARS NOW AND I'M ASSUMING THAT MOST OF YOU HAVE BICYCLED ON SHOAL CREEK AT LEAST NOT DURING RUSH HOUR BECAUSE IF YOU HAD I DON'T

THINK YOU WOULD BE POISED TO APPROVE THIS DANGEROUS STRIPING PLAN. HERE IS WHAT YOU'RE SET TO APPROVE, UNLIMITED PARKING ON BOTH SIDES OF THE CREEK IN THE BIKE LINES. IT'S DANGEROUS, VIOLATES NATIONAL SAFETY STANDARDS, VIOLATES THE RECOMMENDATIONS OF YOUR OWN STAFF AND OPENS UP THE CITY FOR LIABILITY. IT MAKES THE BICYCLE LANES SUPERFLUOUS IF CARS WITH PARK IN THEM. THERE'S AN ALTERNATIVE, HAVE PARKING ON ONE SIDE OF THE STREET, WHICH PROVIDES FOR A BIKE LANE ON EACH SIDE OF THE ROAD. THIS PROVIDES MORE THAN ADEQUATE PARKING AND SAFE TRAVEL FOR CYCLISTS. BY THE WAY, I HAVE A PETITION HERE SIGNED BY ABOUT 100 AUSTIN RESIDENTS WHO FEEL THE SAME WAY, INCLUDING FORMER STATE REPRESENTATIVE GLEN MAXEY. SO TAKE A LOOK AT WHY YOUR AGENDA ITEM IS SO DANGEROUS. CYCLISTS TRYING TO GET AROUND PARKED CARS HAVE TWO OPTIONS. THEY CAN STAY CLOSE TO THE PARKED CAR, IN WHICH THEY CASE GETTING THE DOOR PRIZE WHEN A MOTORIST UNEXPECTEDLY OPENS THE DOOR. OR IF THEY VEER INTO TRAFFIC, THEY RISK GETTING RUN OVER FROM BEHIND. HERE'S A CHILD TRYING TO COME OUT FROM A CAR. I TOOK THIS PICTURE JUST YESTERDAY AFTERNOON. LET TAKE A LOOK AT SOME CYCLISTS WHO WERE KILLED BY THE DOOR PRIZE. SAMUEL HERNANDEZ OF CALIFORNIA, HE WAS KILLED WHEN HE BIKED INTO AN OPEN CAR DOOR, KNOCKING HIM INTO TRAFFIC WHERE HE WAS HIT FROM A CAR COMING FROM BEHIND. HE WAS 19. THIS WOMAN OF MONTREAL, SAME DEAL, HIT THE OPEN DOOR, FELL INTO TRAFFIC. GOT RUN OVER. EUGENE CHANG DIDN'T GET RUN OVER BY ANOTHER CAR, BUT DIDN'T NEED TO, HE DIED WHEN HIS NECK SLAMMED INTO THE TOP OF THE CAR DOOR. ROSE MARRY BRODIE, AGE 33, ALSO OF MANHATTAN, ALSO DEAD. A DOOR OFF THE BIKE INTO THE PATH OF A VAN. OTHERS YOU'RE APART TO APPROVE ARE A MAN FROM TORONTO, AGE 29. KEITH THERE THE ACTOR, AGE 40. DEANA LAYERED OF MASSACHUSETTS, AGE 36. LAURA COX OF NEW ORLEANS, AGE 33. ELIZ BTH OF MANHATTAN, AGE 23. AND SO THIS ISN'T JUST THEORETICAL. PEOPLE DIE FROM THIS. OKAY, SO I MENTIONED THAT THE CYCLISTS -- YOU DON'T HAVE TO RIDE IN THE DOOR ZONE. YOU CAN RISK YOUR LIFE IN ANOTHER WAY BY VENTURING INTO THE TRAFFIC LANE.

HERE'S WHAT IT LOOKS LIKE WHEN YOU DO SO. NOTICE THE MOTORIST CROSSING THE DOUBLE YELLOW LANE IN ORDER TO GET AROUND THE CYCLIST. AND YOU CAN SEE THE CAR HERE IS DRIVING COMPLETELY IN THE OPPOSING LANE. AND CYCLISTS DO GET HURT ON SHOAL CREEK. THE AUSTIN POLICE DEPARTMENT TELLS ME THAT THERE HAVE BEEN INJURY ACCIDENTS ON SHOAL CREEK ON BIKERS EVERY YEAR FOR THE PAST SEVERAL YEARS. ALSO NOTICE THAT THE DESIGN ISN'T JUST BAD FOR CYCLISTS, IT'S ALSO BAD FOR MOTORISTS BECAUSE THEY'VE GOT ALL THE DARN BIKERS IN THE WAY MAKING THEM NERVOUS AND SLOWING THEM DOWN. IF YOU LOOK AT THE ALTERNATIVE, GIVING THE CYCLISTS A TRUE BIKE LANE, TRAFFIC MOVES MORE FREELY FOR EVERYONE. NO ONE GETS IN ANYONE'S WAY. THE POPULAR MYTH IS THAT THE CURRENT PLAN WAS A COMPROMISE BETWEEN VARIOUS STAKEHOLDERS. HERE'S WHY THAT'S ABSOLUTELY UNTRUE. WHAT WE HAD BEFORE WAS PARKING BIKE LANES. WHAT WE HAVE NOW IS PARKING BIKE LANES AND WHAT'S ON THE AGENDA FOR APPROVAL FOR THE FUTURE IS BARK PARKING IN BIKE LANES. HE SAYS PEOPLE CONTINUE TO MISREPRESENT THIS PROCESS AS A COMPROMISE. IN FACT, ANY RATIONAL OBSERVER CAN COMPARE CONDITIONS BEFORE THIS CHANGE OF CONDITIONS NOW AND MAKE THE FOLLOWING JUDGMENT. PARKING ONE, PERIOD, CYCLISTS GOT MORE THAN IT WAS BEFORE. THE NEIGHBORHOOD GOT SUSH EXTENSIONS, CYCLISTS GOT THE MIDDLE FIGURE.

HERE'S ANOTHER WAY TO GET AT IT. THE TRAFFIC LANE FOR CARS AND PEOPLE WITH DRIVEWAYS ARE FOR CARS AND THE BIKE LANES ARE FOR CARS. WHERE'S THE BALANCE? [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

WHY YOU THINK IT'S IMPORTANT TO VIOLATE ACTUAL SAFETY GUIDELINES, WHAT PURPOSE IS BEING SERVED THAT IS SO CRUCIAL THAT IT JUSTIFIES OPENING THE CITY UP FOR LIABILITY. THANK YOU FOR YOUR TIME. I HAVE THOSE QUESTIONS THAT I JUST POSED THAT I WOULD LIKE TO TAP INTO.

THANK YOU. NEXT SPEAKER IS JOHN PAIN. JOHN PAIN SIGNED UP WISHING TO SPEAK, ENGINES, JOEL SUMNER. AGAINST. JOEL SEMINER SIGNED UP WISHING TO SPEAK,

ALSO AGAINST. LANE WIMBERLY.

[INAUDIBLE - NO MIC]

Mayor Wynn: THANK YOU, WE HAVE GOTTEN A NUMBER. HILL ABLE. HILL ABLE SIGNED UP WISHING TO SPEAK, ALSO IN OPPOSITION. SO, COUNCIL, I BELIEVE THAT'S ALL OF THE FOLKS SIGNED UP WISHING TO ADDRESS US ON ITEM NO. 20 -- STEP FORWARD, ANNOUNCE YOUR NAME.

[MULTIPLE VOICES]

AIM WITH THE AUSTIN CYCLING ASSOCIATION. I HAVE BEEN ASKED TO BRING TO YOU THE -- THEIR RECOMMENDATION FOR RESTRIPING SHOAL CREEK BOULEVARD. BASICALLY THE ACA EXECUTIVE COMMITTEE RECOMMENDS CAR FREE BIKE LANES ON EACH SIDE, OPTION TWO. WE FEEL THAT'S THE ONLY SOLUTION TO ACCOMMODATE THE STAKEHOLDERS, IS COMPLIANT WITH THE STUS'S OWN BICYCLE PLAN. CITY OF AUSTIN'S OWN BICYCLE PLAN. THAT'S ALL THAT I WANTED TO SAY, VERY BRIEF AND TO THE POINT. BUT THAT'S I THINK THE TELLING PART OF THE ARGUMENT. IT DOES ACCOMMODATE ALL STAKEHOLDERS, IT DOESN'T LET EVERYBODY PARK IN FRONT OF THEIR DOOR. THEY MIGHT HAVE TO WALK 40 FEET ACROSS THE STREET. BUT IT ALSO PROVIDES SAFETY FOR CYCLISTS AND PEDESTRIANS. THANK YOU. >>

Mayor Wynn: THANK YOU, SIR. COUNCIL I BELIEVE THAT CONCLUDES ALL OF OUR CITIZEN TESTIMONY ON ITEM NO. 21. MOTIONS, COMMENTS, MS. CRAYTON? YOU PROBABLY NEED TO MAKE YOUR WAY BACK TOWARDS THE PODIUM. WOULD YOU MIND WITH YOUR POWERPOINT GOING BACK TO THE OPTIONS? SO WE CAN SEE THEM VISUALLY AGAIN. MEANWHILE I WILL ENTERTAIN ANY QUESTIONS, COMMENTS OF COUNCIL.

OKAY. OPTION 2 IS FOR CAR FREE BIKE LANES, THE OPTION THAT THE STAFF FEEL IS THE SAFEST AND IS CONSIST 7 TENT WITH AASHTO GUIDELINES, THAT HAS PARKING ON ONE SIDE ON THE EAST SIDE, TWO 10-FOOT DRIVE LANES, TWO SIX DEDICATED BIKE LANES. OPTION 3 WHICH GOT THE HIGHEST NUMBER OF VOTES IS THE LOWEST COST ALLOWS

PARKING ON BOTH SIDES, THE OUTSIDE LANES WOULD BE 10-FOOT SHARED USE PARKING AND BIKE LANES. NOT CONSISTENT WITH AASHTO STANDARDS OR THE BIKE PLAN. SO WE JUST ASK FOR YOUR VOTE ON ONE OR THE OTHER.

Mayor Wynn: THANK YOU, MS. CRAYTON, COMMENTS, COUNCIL, QUESTIONS? MY UNDERSTANDING IS THAT THE LAND USE TRANSPORTATION COMMITTEE TOOK THIS UP AND HAD LENGTHY DISCUSSION ABOUT IT. COUNCILMEMBER DUNKERLY?

WELL, I MAY NEED MS. CRAYTON BACK UP HERE AGAIN. I BELIEVE WHAT THE LAND USE SUBCOMMITTEE IS GOING TO RECOMMEND TO YOU IS TO TAKE UP THE CURB ISLANDS AS YOU HAVE AGREED TO DO BEFORE, LEAVE THE STRIPING AS IT IS, DO THE PILOTS THAT -- THAT WE HAVE DISCUSSED AND THEN AFTER THE RESULTS OF THESE PILOTS ARE FINISHED THEN WE WOULD EVALUATE THOSE AND DETERMINE THE FINAL ULTIMATE STRIPING.

THAT'S RIGHT. THE PILOTS YOU ALL HAD DECIDED NOT TO DO ANY MORE PILOTS ON SHOAL CREEK.

NOT SHOAL CREEK BUT OTHER STREETS.

THE RECOMMENDATION FOR THE LAND USE AND TRANSPORTATION COMMITTEE WAS TO GO WITH OPTION 3 THE SHARED USE PARKING AND BIKING LANES.

Dunkerly: THAT IS UNTIL ALL OF THE RESULTS FROM THE -- PILOTS ARE OVER. WE WILL EVALUATE THOSE. WHEN ARE YOU GOING TO BRING THE PILOT RECOMMENDATION BACK TO THE SUBCOMMITTEE? IN APRIL OR --

RIGHT. IN APRIL.

Dunkerly: OKAY, THANK YOU.

Mayor Wynn: COUNCILMEMBER MCCRACKEN?

McCracken: IN FACT THAT'S THE SAME UNDERSTANDING THAT I HAVE AS COUNCILMEMBER DUNKERLY. WE DIDN'T HAVE -- WHAT WE DISCOVERED IS FROM THE TEXAS

TRANSPORTATION INSTITUTE THAT -- THAT THE EFFORT ON SHOAL CREEK IS TO -- TO ACCOMPLISH REALLY THREE THINGS, PROVIDE FOR PARKING, BIKE ACCESS AND DEDICATED BIKE, SAFE BIKE ACCESS AND ALSO SLOW THE TRAFFIC. THE TEXAS TRANSPORTATION INSTITUTE HAS BEEN NO STUDY OF WHICH MODELS DO THE BEST AT MEETING ALL THREE OF THOSE INTERESTS. THAT SAID, SHOAL CREEK HAS BEEN A LITTLE BIT OF AN EXPERIMENT. IT'S BEEN EXPERIMENTED ON A LITTLE BIT TOO MUCH AND WE RECOGNIZE THAT. THERE ARE A LOT OF OTHER STREETS THAT DO WANT TO HAVE SAFE PLACES TO GO FOR RUNS AND RIDE BICYCLES WITH THEIR KIDS TO RIDE BICYCLES, ALSO TO SLOW THE TRAFFIC, SO AT OUR NEXT LAND USE TRANSPORTATION COMMITTEE MEETING, WE WILL TAKE UP THE PILOT PROJECTS AND WHEN ALL OF THAT DATA IS IN, FOLKS AT SHOAL CREEK WILL HAVE A CHANCE TO LOOK AT RESULTS AND MAKE A DECISION THEMSELVES AS WELL AS THE BICYCLING COMMUNITY AND ALL OF THE STAKEHOLDERS. BUT FOR NOW IT'S THE CHEAPEST WAY TO PROCEED AND GIVES EVERYBODY A CHANCE TO CATCH THEIR BREATH.

COUNCILMEMBER DUNKERLY.

Dunkerly: WE HAVE ASKED THE PUBLIC WORKS DEPARTMENT TO TRY TO MOVE UP THE SIDEWALK CONSTRUCTION IN THIS AREA AS MUCH AS THEY CAN.

WE ARE ABLE TO START THAT PROBABLY WITHIN ANOTHER MONTH OR TWO. OUR INITIAL WORKINGS WITH THE NEIGHBORHOOD IS THAT THERE -- THAT THEY ARE QUITE DIVIDED AS TO WHETHER THEY WANT SIDEWALK ON ONE SIDE, BOTH SIDES, WHICH SIDE THEY WANT IT@@ ON. THEY ARE ALSO RAISING QUESTIONS AS TO WHETHER OR NOT THEY WANT CONCRETE SIDEWALK OR DECOMPOSED GRANITE. SO IT'S GOING TO TAKE A WHILE TO WORK THROUGH THOSE ISSUES WITH THE NEIGHBORHOOD. SO WE WERE HOPING TO START WITHIN ANOTHTHTHTHTHTHR TWO. BUT IT MAY BE WHILE WE WORK WITH THE NEIGHBORHOOD.

Dunkerly: I REALLY APPRECIATE IT. NOTHING IS EVER SIMPLE, IS IT? THANK YOU.

COUNCILMEMBER ALVAREZ?

Alvarez: THANKS, MAYOR. I MEAN I THINK, YOU KNOW, THIS IS A -- THIS IS -- HAS BEEN A PROJECT WITH A LOT OF HISTORY AND -- AND I ACTUALLY THINK OPTION 2 COMES PROBABLY CLOSEST TO THE INITIAL COMPROMISE THAT WE CONSIDERED. ABOUT FOUR YEARS AGO OR SO BEFORE WE WENT INTO SORT OF -- SO MEDIATED PROCESSES ON THIS. BEFORE WE STARTED THE PROCESS THAT LED TO THE CURB ISLAND RECOMMENDATION. WHICH WAS SUPPOSED TO BE A COMPROMISE OR ADDRESS ISSUES STAKEHOLDERS, BUT WHICH I THINK WAS -- WAS TO A CERTAIN DEGREE DISLIKED BY ALL STAKEHOLDERS, AT LEAST THAT'S WHAT BECAME APPARENT WHEN THE CURB ISLANDS WENT IN. FOR ME THIS IS A VERY APPARENT CYCLING CORE ON DOOR, BUT -- CORRIDOR, BUT WE HAVE THE ABILITY TO PROVIDE THE DESIGNATED BIKE LANES ON EACH SIDE WITHOUT COMBINING THEM WITH PARKING THAT PERSONALLY IS MY PREFERENCE. YOU KNOW I THINK WE ARE -- AGAIN WE ARE PROVIDING THE DEDICATED BIKE LANES AND PARKING ON ONE SIDE OF THE ROAD. AGAIN FOR ME THAT ALWAYS SOUNDED LIKE A COMPROMISE SOMETHING WE PROBABLY SHOULD HAVE MOVED FORWARD WITH. WE HAVE TRIED TO BRING THE VARIOUS SITES TOGETHER AT VARIOUS -- SIDES TOGETHER AT VARIOUS TIMES, FROM THIS PARTICULAR OPTION IT DOESN'T SOUND LIKE MUCH A OF A COMPROMISE, AT LEAST FROM THE STANDPOINT OF THE CYCLING COMMUNITY. I PERSONALLY WOULD SUPPORT STAFF'S RECOMMENDATION FOR THE SAFETY ISSUES AND THE FACT THAT I DO THINK THAT REPRESENTS A COMPROMISE OR SOMEWHAT OF A FAIR COMPROMISE, BUT THAT'S -- THAT'S MY POSITION ON THIS. I CAN'T SUPPORT OPTION 3. I WOULD BE SUPPORTING OPTION 2.

Mayor Wynn: THANK YOU, COUNCILMEMBER.  
COUNCILMEMBER LEFFINGWELL?

WELL, AS HAS BEEN SAID IN THE LAND USE AND TRANSPORTATION SUBCOMMITTEE VOTED TO RECOMMEND REMOVAL OF THE CURB ISLANDS IN OPTION NUMBER 3. I SUPPORTED THAT POSITION, IT WAS UNANIMOUS. AND THE MAIN REASON THAT I DID IS BECAUSE -- BECAUSE WE HAVE

AN OPPORTUNITY HERE WITH THE -- WITH THE TESTS, VARIOUS METHODS OF TRAFFIC CALMING THAT ARE GOING TO BE GOING IN PLACE ON THE OTHER ROADS, OTHER THAN SHOAL CREEK TO TRY TO FIND A GOOD SYSTEM. WE HAD KIND OF A RUSH TO JUDGMENT, BY INSTALLING THE CURB ISLANDS AND IT TURNED OUT TO BE FRANKLY A FIASCO. I WOULD PREFER AT THIS POINT TO SLOW THAT PROCESS DOWN, REMOVE THE ISLANDS, LEAVE THE STRIPING AS IS, DON'T SPEND ANY MORE MONEY ON IT UNTIL WE FIND A GOOD SOLUTION THAT IS THE SAFEST AND MOST CONVENIENT THAT WE CAN FIND. SO THAT'S A REASON I'M SUPPORTING OPTION NUMBER 3. OPTION NUMBER 2 IS ALLEGED TO BE THE SAFEST, THAT'S WHAT OUR STAFF HAS SAID. THESE OF DEGREES OF SAFETY, THERE'S NOT AN ABSOLUTE SAFE AND UNSAFE. I SEE PROBLEMS WITH OPTION NUMBER 2 MAINLY BECAUSE THE -- BECAUSE THE CENTER STRIPE IN THE MIDDLE OF THE ROAD. IT'S OFFSET. SO -- SO THAT CREATES THE ROAD WAS DESIGNED, THE CROWN, SO FORTH, FOR THE CENTER STRIPE TO BE IN THE CENTER, THAT'S ALSO CONFUSING TO PEOPLE WHEN THE CENTER LINE IS OFFSET. SO THERE ARE A LOT OF THINGS TO CONSIDER. THAT'S WHY I WOULD LIKE TO TAKE A LOOK AT THE PILOT PROGRAM, SEE IF IT PRODUCES A GOOD RESULT, TRY TO LEARN SOMETHING AND DO IT RIGHT THE NEXT TIME. SO I WOULD MAKE A MOTION TO APPROVE -- TO APPROVE THE REMOVAL OF THE CURB ISLANDS IN OPTION NUMBER 3.

I WOULD SECOND THAT.

MOTION BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER DUNKERLY TO APPROVE ITEM 21 AS POSTED. I TRUST. THAT INCLUDED THE -- THE OPTION NUMBER 3 RECOMMENDATION FROM THE LAND USE AND TRANSPORTATION SUBCOMMITTEE. MS. CRAYTON, MY QUESTION THEN THIS APRIL DATE THAT I HAVE HEARD IS IT -- IS IT -- I WILL PREFACE IT BY SAYING THAT I, TOO, WOULD PREFER OPTION 2. MY INSTINCT IS THAT DOING THE SURVEYS, THERE'S PROBABLY NOT ENOUGH CURB SIDE PARKING DEMAND ON BOTH SIDES, ENOUGH HOURS IN THE DAY TO -- TO NOT LET US TRY TO TAKE SOME ADVANTAGES, SOME EFFICIENCIES THERE. I AM RESPECTFUL OF ALL OF THE DIFFERENT VARIABLES INVOLVED IN THIS LENGTHY

DISCUSSION. BUT IF -- IF IN FACT THERE'S ABILITY FOR US TO REVISIT THIS IN SHORT ORDER, YOU KNOW THAT -- THAT HELPS A LITTLE BIT. SO REMIND ME AGAIN WHAT THE -- WHAT WAS THE APRIL DATE OR THE CONCEPT THAT WILL COME BACK IN APRIL.

THE CONCEPT WOULD BE THAT WE ARE WORKING WITH TTI, WE ARE TRYING TO -- TO FIND SOME DIFFERENT IDEAS TO TRY AND ONE OF THE ONES THAT COUNCILMEMBER MCCRACKEN SUGGESTED WAS A MEDIAN THAT STRAIGHTED THE DRIVE LINE FROM THE BIKE LANE. THERE'S A VARIETY OF THINGS LIKE THAT THAT HAVE BEEN SUGGESTED, THE CONCERN MANY OF THOSE DON'T MEET AASHTO STANDARDS EITHER, HOWEVER WE CAN CERTAINLY PILOT THEM. TTI IS CURRENTLY TRYING TO PUT TOGETHER SOME TYPE OF PILOT PROGRAM FOR US. WE WOULD BE COMING BACK IN APRIL TO THE LUT AND WE WILL PRESENT THOSE ALONG WITH THE COST FOR SNAWG THOSE PILOTS. THEN I THINK THE REQUEST PREVIOUSLY WAS TO MONITOR THAT -- THAT BOTH DURING THE YEAR AND DURING THE SUMMER. SO WE WOULD BE LOOKING AT ABOUT A YEAR. OR PERHAPS LONGER. TO DO THOSE PILOTS AND ACTUALLY BE ABLE TO GET THE FINAL RESULTS. I GUESS THE CONCERN THAT WE HAVE IS WE ARE ALWAYS ALL LOOKING FOR THAT MAGIC SOLUTION, TTI DID VERY EXTENSIVE RESEARCH, WE WEREN'T ABLE TO COME UP WITH THAT MAGIC SOLUTION. SO THESE PILOTS WOULD -- WOULD TEST VARIOUS THINGS AND SEE IF THEY ARE BENEFICIAL. SO ABOUT A YEAR, YEAR AND A HALF.

THANK YOU, MS. CRAYTON.

QUESTIONS, COMMENTS? AGAIN WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE ITEM 21.  
COUNCILMEMBER KIM?

Kim: BIKE SAFETY IS VERY IMPORTANT. I AM INTERESTED IN OPTION NUMBER 2 BUT AT THIS TIME I THINK WE NEED TO DO A LITTLE BIT MORE TESTING. I KNOW THAT WE WILL COME BACK FOR ACTION ON THAT. WE DO TAKE BIKE SAFETY VERY SERIOUSLY IN THE CITY. IT'S -- IT'S TRANSPORTATION OPTION, IT'S A RECREATIONAL OPTION FOR -- FOR PEOPLE HERE IN -- AND WE WANT TO MAKE SURE

THAT PEOPLE ARE SAFE. SO BUT I'LL BE SUPPORTING THE MOTION ON OPTION NUMBER 3 AT THIS TIME. BECAUSE OF THE LIMITED TIME FRAME.

Mayor Wynn: THANK YOU, FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED?

NO.

MOTION PASSES ON A VOTE OF 5-2 WITH COUNCILMEMBER ALVAREZ AND THE MAYOR SHOWN AS VOTING NO. THANK YOU ALL VERY MUCH.

COUNCIL, WITH APPEAR GEES THAT TAKES US -- APOLOGIES THAT TAKES US WELL PAST THE 5:30 BREAK FOR LIVE MUSIC AND PROCLAMATIONS. AT THIS TIME WE WILL TAKE UP THE MUSIC GIG AND SOME QUICK PROCLAMATIONS AND WHILE COUNCIL TAKES A BREAK OUT BACK AND WE GET THIS ACCOMPLISHED, THEN WE SHOULD BE ABLE TO TAKE UP OUR ZONING CASES IMMEDIATELY AFTER THIS BREAK. THANK YOU ALL VERY MUCH. WE ARE IN RECESS. DECLARE,.

Mayor Wynn: ARE YOU READY? OKAY, FOLKS, IF I COULD HAVE YOUR ATTENTION. TIME FOR OUR WEEKLY LIVE MUSIC GIG. RUNNING A FEW MINUTES BEHIND, BUT WELL WORTH THE WAIT, JOINING US TONIGHT IS THE FLYING CLUB. THEIR MUSIC CONSISTS OF SAMBA, FUNK AND SOUL GROOVE, BUT MIXING DIFFERENT MUSICAL STYLES BY AFRICA, CENTRAL AMERICA, THE U.S., THEIR COMBINATION OF STYLES SHOW HOW COMMON RHYTHMIC GROUND CAN BE DISCOVERED AMONG DIFFERENT CULTURES. THEY RELEASED THEIR FIRST CD RECENTLY, JOIN ME IN WELCOMING AN AUSTIN ORIGINAL, THE FLYING CLUB. [ APPLAUSE ] [ (music) MUSIC PLAYING (music)(music) ] [ (music) SINGING (music)(music) ] [ (music) MUSIC PLAYING (music)(music) ] [ (music) MUSIC PLAYING (music)(music) ] [ APPLAUSE ]

Mayor Wynn: VERY WELL DONE. WHERE DOES ONE BUY THE CD FAR AWAY, WHERE CAN WE HEAR YOU NEXT, DO YOU

HAVE A WEBSITE, HOW DO WE GET TO HEAR AND SEE YOU AGAIN.

I THINK WATERLOO RECORDS RIGHT NOW. AND THE WEBSITE IS [www.flyingclubmusic.com](http://www.flyingclubmusic.com). WE ALSO HAVE A CD RELEASE PARTY THIS SATURDAY AT [INDISCERNIBLE] FROM 7:00 TO 10:00, IT'S [INDISCERNIBLE]

THAT'S GREAT.

Mayor Wynn: BEFORE WE GET AWAY, WE HAVE A PROCLAMATION THAT READS BE IT KNOWN WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TOWARDS THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC AND CULTURAL DIVERSITY, WHEREAS THE DEDICATED EFFORTS OF ARTISTS FURTHER AUSTIN'S STATUS AS THE LIVE MUSIC CAPITAL OF THE WORLD, THEREFORE I WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS DO HEREBY PROCLAIM TODAY MARCH 2nd, 2006 AS THE FLYING CLUB DAY IN AUSTIN, AND CALL ON ALL CITIZENS TO JOIN ME IN GONGRATULATING -- RECOGNIZING THIS GREAT TALENT. [ APPLAUSE ] SO WHILE THE BAND BREAKS DOWN OVER ON THAT SIDE, WE WILL USE THIS PODIUM FOR A COUPLE OF PROCLAMATIONS. AGAIN WHAT WE DO WITH THESE EACH WEEK IS WE TRY TO RECOGNIZE JOBS WELL DONE OR PROMOTE LOCAL CAUSES OR LOCAL CELEBRITIES AND HEROES, BUT OUR FIRST ONE ACTUALLY IS IN HONOR FOR ME TO GIVE THE PODIUM OVER TO SOME REPRESENTATIVES FROM -- TO H.M. HILL.

THANK YOU, MAYOR. I'M BOB BAILEY, VICE-PRESIDENT AND MEMBER OF THE BOARD OF DIRECTORS OF CH 2 M HILL. I AM VERY PROUD TO BE HERE TO PRESENT THE CITY OF AUSTIN OR ACTUALLY REPRESENT, THIS HAS BEEN PRESENTED AT THE NATIONAL LEAGUE OF CITIES ALREADY. BUT THE JAMES C. HALAIN AWARD FOR MUNICIPAL ENRICHMENT TO THE CITY OF AUSTIN. THIS IS AN AWARD THAT RECOGNIZES THE CONTRIBUTIONS MADE BY THE CITY OF AUSTIN TO ITS CITIZENS IN THE AREA OF URBAN ENRICHMENT THROUGH EFFECTIVE AND THOUGHTFUL PLANNING AND POLICY MAKING. AND THIS PARTICULAR AWARD THIS YEAR WAS HONORED THE -- THE ROBERT MUELLER MUNICIPAL AIRPORT REDEVELOPMENT PROJECT. NOW, I GOT A CANS TO READ,

CHANCE TO MEET PAM HEFFNER AND OTHER THAT'S HAVE BEEN INVOLVED IN THE PROJECT JUST A FEW MINUTES AGO. WHAT A GREAT EXAMPLE. SUSTAINABLE DEVELOPMENT THIS PROJECT HE IS FOR IS FOR THE CITY OF AUSTIN AND EVERYBODY THAT'S BEEN INVOLVED. IT REALLY CHARACTERIZES THE CONCEPTS OF SUSTAINABLE DEVELOPMENT WITH OPEN SPACE, AFFORDABLE HOUSING, TRANSIT ENABLING IN FILL. IT'S A GREAT PROJECT. I THINK THAT WILL BE A BENCHMARK FOR OTHER COMMUNITIES AROUND THE NATION, SOMETHING THE CITY CAN BE VERY PROUD OF. THE REASON THAT I'M HERE ACTUALLY TODAY IS THIS AWARD WILL BE NAMED AFTER ONE OF OUR FOUNDERS, JIM HOWLAND. HE'S A GREAT GUY, STILL WITH US. HE REALLY IS THE HEART, SOUL AND THE -- AND THE VALUES OF CH 2 M HILL. THIS AWARD IS REALLY A TRIBUTE TO HIS LEGACY OF COMMUNITY SERVICE. SO I'M VERY PROUD TO -- TO PRESENT THIS TO THE CITY. CH 2 M HILL DOES NOT PARTICIPATE IN THE SELECTION, BUT WE ARE ALWAYS REALLY HAPPY WHEN ONE OF THE COMMUNITIES THAT WE ARE A PART OF WINS AN AWARD. ACTUALLY THE YEARS THAT MR. HOWLAND WAS A C.E.O. AND CHAIRMAN WAS 1947 THROUGH '74. DURING THAT PERIOD IS WHEN WE FIRST OPENED OUR AUSTIN OFFICE. SO WITH THAT I'M VERY PROUD TO PRESENT THIS AWARD BEGIN TO MAYOR WYNN. [ APPLAUSE ] AGAIN.

THANK YOU, BOB, ON BEHALF OF THE CITY, MY COUNCIL, COLLEAGUE, CITY MANAGER AND HER STAFF, WE ARE VERY PROUD OF THE PLAN THAT -- THAT TOOK YEARS TO -- TO BRING FORWARD ON THE REDEVELOPMENT OF MUELLER NOW SEEING THE CONSTRUCTION TAKING PLACE OVER THERE, IT'S VERY INSPIRING. IN ADDITION TO THE ACTUAL AWARD, WHICH WE WILL PROUDLY DISPLAY HERE AT THE CITY HALL, THERE'S A MONETARY AWARD THAT COMES WITH THIS. A THOUSAND CHECK. WITH THAT I WOULD LIKE TO IS IT CITY MANAGER TOBY FUTRELL TO JOIN ME, WE WILL BE PRESENTING THE THOUSAND CHECK AWARD ACTUALLY TO THE RONALD McDONALD HOUSE, WHICH IS OF COURSE GOING TO BE HOUSED ULTIMATELY ON THE SITE OF MUELLER. I WOULD LIKE TO ASK MR. GREG WEAVER OR REPRESENTATIVES FROM THE RONALD McDONALD HOUSE TO STEP FORWARD. ON BEHALF OF OF A GRATEFUL CITY,

PLEASE ACCEPT THIS FINANCIAL CONTRIBUTION.

THANK YOU VERY MUCH. [ APPLAUSE ]

THANK YOU, MAYOR, MY NAME IS JOE PETITT, IN MY DAY JOB I WORK FOR GUARANTY BANK, I HAVE BEEN THE BOARD CHAIR OF THE RONALD McDONALD HOUSE. 99% OF MY TIME IS THERE. MISSY IS THE DEVELOPMENT DIRECTOR OF THE HOUSE. I WANT TO -- ABOUT BEHALF OF THE BOARD OF DIRECTORS AND STAFF THANK THE CITY FOR THIS CHECK, WHICH WE ARE GOING TO BE USING FOR THE CONSTRUCTION OF THE HOUSE. ALSO I WANT TO ADD A CONGRATULATIONS TO THE CITY FOR BEING CHOSEN AS A WINNER OF THE J.C. HOWLAND AWARD FOR MUNICIPAL ENRICHMENT FOR THE MUELLER REDEVELOPMENT PROJECT. WE ARE REALLY GRATEFUL THAT YOU HAVE CHOSEN TO DONATE THE CASH OF THIS AWARD TO OUR NEW HOUSE. AS EVERYBODY PROBABLY KNOWS THAT IS FAMILIAR WITH THE RONALD McDONALD HOUSES, THE PHYSICAL PROXIMITY OF THE NEW HOUSE TO THE NEW DELL'S CHILDREN'S MEDICAL CENTER IS CRITICAL TO OUR MISSION TO GIVE PROXIMITY FOR FAMILIES TO BE CLOSE TO THE HOSPITAL AND WE ARE VERY PLEASED TO BE PART OF THE INTELLIGENT REDEVELOPMENT OF THE MUELLER SITE. I WANT TO GIVE YOU A FEW QUICK COMMENTS ABOUT THE HOUSE, THIS IS A GOOD SIZED AUDIENCE AND EVERY TIME WE GET A GOOD SIZED AUDIENCE I SEE POTENTIAL CAPITAL CAMPAIGN GIFTS OUT THERE. LET ME GIVE YOU A FEW QUICK FACTS. OUR NEW HOUSE WILL NOT ONLY EXPAND THE HOME AWAY FROM HOME WITH FAMILIES WITH SICK OR INJURED FAMILIES FROM 300 TO A THOUSAND FAMILIES A YEAR, ALSO A A ONE OF THE MOST ENVIRONMENTALLY STRUCTURE -- LEAD PLATINUM STANDARDS, THE HIGHEST DESIGNATION ESTABLISHED BY THE U.S. GREEN BUILDING COUNCIL, BASED ON THE PROJECT'S SUSTAINABLE SITE, WATER EFFICIENCY, USE OF NATURAL ENERGY SOURCES, BUILDING MATERIALS AND INDOOR ENVIRONMENTAL QUALITY. IN FACT THAT -- THE HOUSE WILL BE SUCH A HEALTHY PLACE FOR FAMILIES TO LIVE, WHILE CHILDREN ARE AT THEIR HOSPITAL, EVEN CHILDREN WITH COMPROMISED IMMUNE SYSTEMS WILL BE ABLE TO STAY AT THE HOUSE BECAUSE OF THE HIGH QUALITY OF INTERIOR AIR. THE HOUSE WILL BE CONSTRUCTED USING MATERIALS

THAT ARE RAPIDLY RENEWABLE. AND MANUFACTURED WITHOUT THE USE OF TOXIC SUBSTANCES. IT THE HOUSE IS DESIGNED TO MAXIMUM ENERGY EFFICIENCY, UTILIZE RECLAIMED WATER AND TO ENHANCE THE ENVIRONMENTAL QUALITY OF ITS SURROUNDINGS. BUT MOST IMPORTANTLY WE INTEND TO CREATE THE SPIRIT AND WARMTH IN THE NEW HOUSE THAT CURRENTLY PERMATES THE EXISTING HOUSE OVER ON 15th STREET. THE HOUSE, RONALD McDONALD HOUSE PROVIDES MUCH MORE THAN A PLACE FOR FAMILIES TO SLEEP. IT'S WHAT REALLY DIFFERENTIATES A RONALD McDONALD HOUSE FROM JUST LIVING QUARTERS. IT'S A PLACE TO RETREAT FROM LONG HOURS SPENT AT THE HOSPITAL FOR FAMILIES, OUR HOUSE PROVIDES A WARM, CARING ENVIRONMENT WHERE FAMILIES CAN RENEW THEIR STRENGTH THROUGH THE SUPPORT OF A COMPASSIONATE STAFF AS WELL AS OTHER FAMILIES WHO ARE EXPERIENCING SIMILAR CIRCUMSTANCES. AND BECAUSE THE HOUSE IS A NON-PROFIT ORGANIZATION, IT IS OPERATED SOLELY WITH FUNDS RAISED FROM THE COMMUNITY FROM INDIVIDUALS AND CORPORATIONS AND ORGANIZATIONS AND SO THIS CHECK IS VERY MEANINGFUL TO US. THANK YOU FOR THE RECOGNITION AND THANK YOU FOR THE GIFT, MAYOR. KNOW THAT IT WILL BE PUT TO GOOD USE IN THE CONSTRUCTION OF NEW AUSTIN'S HOUSE THAT LOVE BUILT. THANK YOU VERY MUCH. [ APPLAUSE ] MY LAST PROCLAMATION FOR THE EVENING REGARDS ONE OF MY KIDS' ' FAVORITE DAYS OF THE YEAR, THIS COMING SUNDAY, MARCH 5th, THIS OPERATION IS ABOUT KITE DAY. AFTER I READ THE PROCLAMATION, WE WILL HEAR MORE ABOUT THE DETAILS OF WHAT IS TRULY A REMARKABLE KITE FESTIVAL OVER AT ZILKER. ONE OF THE MOST REMARKABLE VISUALS THAT YOU WILL SEE DURING THE COURSE OF THE YEAR IN AUSTIN. THE PROCLAMATION READS: BE IT KNOWN WHEREAS THE ZILKER PARK KITE FESTIVAL IS A 78-YEAR-OLD CELEBRATION FOUND UNDERSTAND 1929 BY CLUB PRESIDENT ED SAINT JOHN AS THE EXCHANGE CLUB'S GIFT TO AUSTIN. WHEREAS THROUGH THE KITE FESTIVAL EXCHANGE CLUB RAISES FUNDS FOR LOCAL CHARITIES SUCH AS THE PEBBLE PROJECT, RAINBOW ROOM AND THE EXCHANGE CLUB SCHOLARSHIPS THAT CONTRIBUTE TOWARDS THE CLUB'S GOAL OF EVERY CHILD IN AUSTIN BEING EDUCATED, SAFE, HEALTHY AND HAPPY. WHEREAS

THE CITY'S PARKS AND REC DEPARTMENT HAS BEEN A CO-SPONSOR SINCE 1936. AND JOINSS IN ENCOURAGING ALL AUSTIN FAMILIES TO CONTINUE THE GRAND TRADITION BY COMING OUT TO THE KITE FLYING FIELDS AT ZILKER PARK ON THE FIRST SUNDAY IN MARCH. THIS YEAR OF COURSE IT WILL BE THIS SUNDAY, MARCH 5th, 2006. NOW THEREFORE I, AUSTIN MAYOR WILL WYNN, DO HEREBY DECLARE SUNDAY MARCH 5th AS KITE DAY IN AUSTIN, PLEASE JOIN ME IN THANKING ALL OF THE SPONSORS OF THE EXCHANGE CLUB FOR A GREAT VISUAL EVENT OF THE YEAR. [ APPLAUSE ]

SAY A FEW WORDS?

OH, YES. WE COULDN'T DO THIS WITHOUT OUR FRIEND AT THE PARKS AND RECREATION DEPARTMENT. THEY HAVE BEEN OUR PARTNERS SINCE 1936. WE CELEBRATE OUR 70th YEAR WITH THEM. THEY HAVE BEEN JUST WONDERFUL. WHAT OTHER CITY COULD YOU GO AND FLY KITES FOR 70 YEARS IN A ROW. WE ARE THE OLDEST, CONTINUOUS KITE CONTEST IN THE WHOLE COUNTRY. WE ARE PROUD OF IT. AND THE EXCHANGE CLUB USES THE KITE FESTIVAL VENDOR SALES TO HELP RAISE MONEY FOR KIDS IN THE PREVENTION OF CHILD ABUSE. SO COME ON OUT AND ENJOY US, GET A HOT DOG, GET A DRINK, IT WILL HELP US WITH THE KIDS, HAVE A GREAT TIME. IT'S GOING TO BE A GREAT DAY THIS SUNDAY. WE ARE LOOKING FORWARD TO IT. THANK YOU, SIR. [ APPLAUSE ] NOW I WOULD LIKE TO TURN THE PODIUM OVER TO MAYOR PRO TEM DANNY THOMAS.

Thomas: THANK YOU, MAYOR. IT IS TRULY A BLESSED DAY TODAY AS WE END BLACK HISTORY MONTH LAST MONTH. WE WANTED TO DO SOMETHING FOR THE PEOPLE THAT HAD WORKED HARD. ONE OF THEM IT'S REALLY CALLED A TRAIL BLAZER BECAUSE HE WAS ONE OF THE FIRST AFRICAN-AMERICANS ON THE COUNCIL AND MANAGEMENT TO COUNTRY FOR CITY COUNCIL. BUT ALSO WE DID HAVE AFRICAN-AMERICANS ON THE COUNCIL IN THE 18 HUNDREDS, BUT THEY WERE CALLED ALDERMENS. I WANT TO RECOGNIZE FIVE GENTLEMEN THAT SERVED PRIOR TO MY SERVING AS COUNCILMEMBER, I WILL ASK THEM TO COME UP IN ORDER. BERL HANCOCK, WOULD YOU COME UP PLEASE, FIRST. [ APPLAUSE ] WE WANT TO PRESENT YOU

THIS DISTINGUISHED SERVICE AWARD TO YOU, COUNCILMEMBER BERL HANCOCK. I CAN REMEMBER WHEN I FIRST SAW YOU ON THE COUNCIL AND HOW PROUD I WAS TO SEE AN AFRICAN-AMERICAN SERVING IN THE CAPACITY OF A COUNCILMEMBER. IT READS, IT SAYS. THE CITY OF AUSTIN DISTINGUISHED SERVICE AWARD, THIS CERTIFICATE IS AWARDED TO BERL HANCOCK IN RECOGNITION OF COMMUNITY AND PUBLIC SERVICE ON DURING HIS TERM ASCENSION LUTHERAN CHURCH THE FIRST BLACK -- DURING HIS TERM AS THE FIRST BLACK CITY COUNCIL MEMBER ELECTED UNDER THE MANAGER AND COUNCIL FORM OF GOVERNMENT. MR. HANCOCK SERVED FROM 1971 THROUGH 1975 AND WAS THE FIRST AFRICAN-AMERICAN TO BE ELECTED TO THE COUNCIL OFFICE IN 88 YEARS. PRESENTED THIS SECOND DAY OF MARCH, 2006, AND IT'S SIGNED BY MAYOR, MAYOR WILL WYNN NAMED ATTACHED WILL BE MAYOR PRO TEM DANNY THOMAS, COUNCILMEMBERS LEE LEFFINGWELL, RAUL ALVAREZ, JENNIFER KIM, BETTY DUNKERLY AND BREWSTER MCCRACKEN. [ APPLAUSE ]

THANK YOU MAYOR PRO TEM. I -- I DON'T KNOW EXACTLY WHAT I SHOULD SAY EXCEPT I -- AS I STARTED OUT ON THIS ADVENTURE BACK IN 1971, I WANTED TO DO GOOD. AND WHEN I COULDN'T I WANTED TO DO NO HARM. FOR THE PEOPLE THAT WOULD FOLLOW IN MY FOOTSTEPS, COULD AND WOULD MAKE A DIFFERENCE FOR ALL OF THE CITIZENS OF AUSTIN. I'M VERY PROUD OF THE WORK THAT WE DID AS A COUNCIL. I THINK IT WAS REALLY GREAT BECAUSE I NOTICE THIS COUNCIL WAS DOING A LOT OF THE SAME THINGS THAT WE DID BACK THEN. WORKING ON TRANSPORTATION, POLICE BRUTALITY, THE BUDGET AND ALL OF THE OTHER GOOD STUFF THAT FOLLOWS. WE MAY NOT HAVE SOLVED MANY PROBLEMS, BUT WE HAD FUN TRYING, I HOPE THAT WE DID SOME GOOD SOMEWHERE, SOME TIME FOR SOME OF YOU. THANK YOU.

Thomas: THERE WAS ANOTHER GENTLEMAN, BUT GOD CALLED HIM HOME, THAT WAS COUNCILMEMBER AND MAYOR PRO TEM JIMMY SNELL. I WILL READ HIS DISTINGUISHED SERVICE AWARD. IS ANY FAMILY MEMBER HERE FROM THE SNELL PEOPLE? MS. MEADE IS GOING TO ACCEPT. OH, YOU ARE, OKAY. I JUST WANTS TO SAY THIS CERTIFICATE IS AWARDED TO JIMMY SMELL IN RECOGNITION OF HIS

COMMUNITY AND PUBLIC SERVICE DURING THE TERMS AS AN AUSTIN CITY COUNCIL MEMBER FROM 1975 TO 1981. MR. SNELL MADE HISTORY AS THE FIRST AFRICAN-AMERICAN TO BE ELECTED MAYOR PRO TEM. IT'S PRESENTED THIS DAY, MARCH THE 2nd, 2006. WE WILL MAKE SURE THAT THE FAMILY WILL RECEIVE THE CERTIFICATE. NOW LET ME ALSO - [ APPLAUSE ] A LITTLE BIT MORE HISTORY ABOUT MAYOR PRO TEM JIMMY SNELL, HE WAS ALSO THE COMMISSIONER AT THE COMMISSIONERS COURT FOR PRECINCT 1 FOR A A LONG-TERM. ANOTHER GENTLEMAN THAT WE KNOW VERY WELL, HAS SERVED ON OUR ADVISORY COMMITTEE, DID AN EXCELLENT JOB. FELT LIKE HE WAS BACK AT HOME BECAUSE HE ORCHESTRATED THE MEETINGS VERY WELL, HANDLED THE MEETINGS WHEN THEY WERE OUT OF TIME, TELLING THEM TO QUIT TALKING, HANDLED IT VERY WELL. CHARLES URDY, WOULD YOU COME FORWARD, PLEASE.

Thomas: YOU WILL RECEIVE THE CERTIFICATE WITH THIS. WORDING THAT WE NEED TO CHANGE, SOMEWHERE WE MISSED SOME FINAL ON YOU. IT SAYS THE DISTINGUISHED SERVICE AWARD, THE CERTIFICATE IS AWARDED TO CHARLES URDY IN RECOGNITION OF COMMUNITY AND PUBLIC SERVICE DURING HIS YEARS ON THE AUSTIN CITY COUNCIL, MR. URDY HELD OFFICE FROM 1981 AND WENT TO 1981, 1985 AND THEN IT SAYS AND FROM 1988 TO 1994. I'M GOING TO CORRECT THAT. IT WAS TOTAL OF 12 YEARS, WASN'T IT?

THAT'S RIGHT. IT SAYS A TOTAL OF 10, WE WILL CORRECT THAT. GIVES HIM BEING THE LONGEST TENURED AFRICAN-AMERICAN CITY COUNCIL MEMBER. ALSO SERVED AS MAYOR PRO TEM. WE PRESENT THIS AWARD -- THIS CERTIFICATE TO YOU ON THIS DATE, MARCH THE 2nd, 2006. AND IT'S SIGNED BY THE MAYOR WILL WYNN. THANK YOU VERY MUCH. [ APPLAUSE ]

THANK YOU VERY MUCH. YOU KNOW, I WAS VERY FORTUNATE WHEN I CAME ALONG IN 1981 BECAUSE I KNEW BERL BEFORE HE WAS ON THE CITY COUNCIL AND, YOU KNOW, I WAS EVEN THOUGH I WAS NOT IN AUSTIN, I SUPPORTED HIS CANDIDACY BECAUSE I WAS PRAIRIE VIEW AND HE AND HIS WIFE WORKED THERE BEFORE. AND I KNEW WHAT HE WAS TRYING TO DO AND AT THAT TIME IT WAS

VERY SIGNIFICANT. SO I ALSO NEVER THOUGHT THAT I WOULD BE IN THOSE SAME SHOES. INO CARRIERRINGCONNECT 57600 DURING HIS TERM ON THE AUSTIN CITY COUNCIL. FROM 19 -- FROM 1997 TO 2000. TAKING A BALANCED APPROACH TO GROWTH. MR. LEWIS WORKED ON THE ECONOMIC REDEVELOPMENT OF 11th AND STREET STREET CORRIDOR WHILE IN OFFICE, BUT FOCUSED ON PRESERVING HISTORICAL STRUCTURES IN EAST AUSTIN. AT THE SAME TIME. I PRESENT THIS SECOND DAY OF MARCH, IN THE YEAR 2006, I PRESENT THIS TO COUNCILMEMBER WILLIE LEWIS, THANK YOU VERY MUCH. [APPLAUSE]

THANK YOU. IN OUR -- SPEAKING OF MY PREDECESSORS, IT WAS VERY EASY FOR ME BECAUSE -- BECAUSE THEY HAD ALREADY LAID A LOT OF THE GROUNDWORK. BUT I SEE THE PEOPLE THAT THEY STILL HAVEN'T CORRECTED SOME OF THE PROBLEMS, THE TRAFFIC PROBLEMS. MY AIDE IS STUCK IN TRAFFIC SOMEWHERE. SHE WAS SUPPOSED TO BE HERE. YOU KNOW WITH -- IN MY OFFICE, MY AIDE AND SECRETARY, ONE OF MY SECRETARIES IS HERE, NATASHA, BUT -- BUT THE THING THAT -- THAT I TRIED TO DO WHEN I WAS IN OFFICE WAS TO DO WHAT I SAID THAT I WAS GOING TO DO DURING THE CAMPAIGN, DO THINGS THAT MADE SENSE. I APPLAUD THE CITY MANAGER FOR DOING THE SAME TYPE OF THINGS. TRYING TO DO THINGS THAT MAKE SENSE RATHER THAN THINGS THAT'S POLITICALLY CORRECT. [LAUGHTER] SO -- SO I KNOW WHEN -- WHEN MAYOR PRO TEM, DOCTOR URDY WAS ON THE COUNCIL, IT WAS MY FAULT, I GUESS, THAT I -- THAT I -- I MESSED UP, I WAS ONE OF THE ONLY AFRICAN-AMERICANS IN THE AUSTIN MOVE IT PROJECT FOR ROBERT MUELLER AND ALL OF A SUDDEN HE SAYS I GOT SOMEBODY TO PUT ON THE BOARD, YOU KNOW, SO HE APPOINTED ME TO THE BOARD AND I WAS THERE FOR ABOUT FIVE YEARS, YOU KNOW, SO IT -- SOMETIMES PAYS TO DO THINGS ON YOUR OWN, BUT BELIEVE ME OTHER PEOPLE ARE WATCHING. SO I JUST WANT TO SAY TO THE CITY COUNCIL, I -- I WATCH YOU GUYS QUITE FREQUENTLY ON TV. AND IF YOU JUST DO THINGS THAT MAKE SENSE, IT MAKES SENSE FOR PEOPLE NOT NECESSARILY THE PEOPLE THAT WANT SOMETHING DONE, BUT THE PEOPLE THAT EVEN DISAGREES WITH YOU, IF YOU CAN TESTIFY THAT IT MAKES

SENSE, EVEN THOUGH THEY HAVE DISAGREED, EVEN THOUGH I DISAGREE, YOU CAN SAY WELL, OKAY, IT'S OKAY. BECAUSE AUSTIN IS A GROWING CITY. YOU KNOW. WHEN I FIRST CAME HERE, I THINK IT WAS 100 SOME THOUSAND PEOPLE. NOW IT'S -- IT'S HALF A MILLION. AND -- AND WE ARE GOING TO HAVE TO HAVE SOMEPLACE FOR THESE PEOPLE TO GO. JUST BECAUSE WE SAY WE DON'T WANT ANYMORE, THEY ARE NOT GOING TO STOP COMING. BECAUSE AUSTIN IS A NICE PLACE, I THINK THAT IT'S PRIMARILY CONTRIBUTING TO THE -- TO THE CITY MANAGER AND HER STAFF AND THE ELECTED OFFICIALS. SO THANK YOU VERY MUCH. [ APPLAUSE ]

Thomas: WE WOULD LIKE TO DO A GROUP PHOTO WITH THE REST OF THE MAYOR PRO TEMS AND THE COUNCILMEMBERS WITH THE MAYOR AND THE REST OF THE COUNCIL. COME ON.

Mayor Wynn: THERE BEING A QUORUM PRESENT AT THIS TIME I WILL CALL BACK TO ORDER THE MEETING OF THE AUSTIN CITY COUNCIL, WE HAVE BEEN ON RECESS, I APPRECIATE YOUR PATIENCE, WE ARE RUNNING BEHIND THIS EVENING, OBVIOUSLY, BUT WE HAVE ASSURANCES FROM MR. GUERNSEY WE ARE GOING TO MAKE UP TIME HERE. WE NOW GO TO OUR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS, WE WILL WELCOME MR. GREG GUERNSEY.

I'M GOING TO RETURN THROUGH THE CONSENT ITEMS. UNDER THE 4:00 ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. FIRST ITEM THAT I WOULD LIKE FOR CONSENT IS ITEM NO. 49, C14-050112.01, EAST RIVERSIDE OLTORF NEIGHBORHOOD PLANNING AREA, TRACT 15 FOR PROPERTY AT 1902 TO 1912 EAST RIVERSIDE DRIVE FROM CS 1 OR COMMERCIAL LIQUOR SALES TO GR, COMMUNITY COMMERCIAL. READY FOR SECOND AND THIRD READINGS. 50 IS C14-05112.02, EAST RIVERSIDE OLTORF NEIGHBORHOOD PLAN AREA. TRACT NUMBER 30. AT 2400 OR 2410 EAST RIVERSIDE DRIVE. THIS IS A REZONING REQUEST FROM GENERAL COMMERCIAL SERVICES OR CS ZONING TO COMMERCIAL COMMUNITY COMMERCIAL ZONING, GR. AND THIS IS READY FOR SECOND AND THIRD READINGS. ITEM NO. 51 IS CASE C14-050112.03,

HE'S RIVERSIDE OLTORF NEIGHBORHOOD PLAN AREA, TRACT NUMBER 31. THIS IS A REZONING REQUEST AT 2410 EAST RIVERSIDE DRIVE FROM CS 1 COMMERCIAL LIQUOR SALES DISTRICT ZONING TO GR COMMUNITY COMMERCIAL DISTRICT ZONING. THIS IS READY FOR SECOND AND THIRD READING. ITEM NO. 52 IS CASE C14-050113.02, EAST RIVERSIDE OLTORF NEIGHBORHOOD PLAN AREA, TRACTS 302 AND 303 AT 1601 GROVE BOULEVARD. THIS IS A REZONING FROM LR OR NEIGHBORHOOD COMMERCIAL DISTRICT ZONING TO SF 1 WHICH IS SINGLE FAMILY RESIDENCE LARGE LOT DISTRICT ZONING. AND TO NEIGHBORHOOD COMMERCIAL MIXED USE CONDITIONAL OVERLAY COMBINING DISTRICT ZONING, ALSO KNOWN AS LR-MU-CO. ITEM NO. 53 IS C14-050113.03, EAST RIVERSIDE/OLTORF NEIGHBORHOOD PLAN AREA, TRACTS 304 AND 305. 5602, 5604, 5700 EAST RIVERSIDE DRIVE. THIS IS A REZONING REQUEST FROM SF 3 OR FAMILY RESIDENCE DISTRICTS ZONING TO SINGLE FAMILY RESIDENCE LARGE LOT OR SF 1 DISTRICT ZONING, NEIGHBORHOOD COMMERCIAL MIXED USE CONDITIONAL OVERLAY COMBINING DISTRICT ZONING. ALSO KNOWN AS LR-MU CO. AND THIS IS ALSO READY FOR SECOND AND THIRD READING. ITEM NO. 54 HE IS C14-050113.05, EAST RIVERSIDE/OLTORF NEIGHBORHOOD PLAN AREA, TRACT 311, AT GROVE BOULEVARD ALSO KNOWN AS 19.46-ACRE TRACT, SANTIAGO DEL VALLE GRANT. GO-CO TO GO-MU CO. THIS IS READY FOR SECOND AND THIRD READING. ITEM NO. 55, WILL BE A DISCUSSION ITEM. AS WELL AS 56. ON ITEM NO. 27, WHICH IS CASE NPA-05-0022.001, SOUTH RIVER CITY NEIGHBORHOOD PLAN, TRACT 35 LOCATED AT I 35, 2.31 ACRES, TRACT NUMBER 35, THIS IS THE NEIGHBORHOOD PLAN AMENDMENT THAT WOULD PROPOSE FROM -- FROM DESIGNATION TO OFFICE. AND I DON'T KNOW -- ITEM NO. 58, WHICH IS A RELATED ZONING CASE ITEM, C14-050139.002, TRACT 35, THIS IS A REZONING REQUEST COUNCIL MAY CONSIDER SEVERAL DIFFERENT ZONING DISTRICTS. ON THESE TWO ITEMS, I UNDERSTAND THAT COUNCILMEMBER DUNKERLY HAS SPOKEN ACTUALLY TO SOME OF THE REPRESENTATIVES OF THE NEIGHBORHOOD AND THE PROPERTY OWNER AND MAY HAVE A CONSENT TO OFFER FOR BOTH OF THESE ITEMS, 57 AND 58.

Dunkerly: THE PROPOSAL THAT I WOULD MAKE WOULD BE FOR GR-CO WITH THE FOLLOWING PROHIBITED USES: AUTO WASHING, AUTO SALES, AUTO RENTAL, EXTERMINATING SERVICES, DROPOFF RECYCLING, PAWN SHOPS, BAIL BONDS SERVICES AND COMMERCIAL OFF STREET PARKING. THE OWNER HAS AGREED TO A VEGETATIVE BUFFER IN THE SETBACKS ALONG BOTH WOODLAND AND I-35. THE OWNER HAS AGREED TO RESTRICT THE ENTRANCE AND EXITS ON TO WOODLAND BY REQUIRING A RIGHT TURN IN ONLY AND A LEFT TURN OUT ONLY. THIS WOULD PREVENT TRUCKS FROM GOING THROUGH THE NEIGHBORHOODS. IN ADDITION TO THAT, I WOULD LIKE FOR THE RECORD, MR. GUERNSEY, TO DISCUSS THE ISSUE OF THE SIGN SHOP AND -- WHICH IS NOT PART OF THE MOTION, BUT -- BUT MY MOTION WOULD -- WOULD COVER THOSE THREE ITEMS MENTIONED IN DETAIL. SO IF YOU CAN COMMENT ON THE SIGN SHOP POSSIBILITY.

I CAN. THE QUESTION THAT I WAS ASKED EARLIER BY SEVERAL IS THAT CAN YOU HAVE A SIGN OR PAINT SHOP AS AN ACCESSORY USE TO AN OFFICE BUILDING USE. AND MY ANSWER IS NO. ACCESSORY USES ARE TYPICALLY -- ACCESSORY USES ARE TYPICALLY INCIDENTAL, IF THE PRINCIPAL USE IS SAY AN ADMINISTRATIVE BUSINESS OFFICE OR PROFESSIONAL MEDICAL OFFICE USE, STAFF WOULD NOT DETERMINE THAT A SIGN PAINT SHOP ASSOCIATED WITH A SIGN COMPANY WOULD BE AN ACCESSORY TO THAT TYPE OF USE.

Dunkerly: ALL RIGHT, THANK YOU VERY MUCH.

Gurnsey:: ITEM NO. 57, THERE IS A CHANGE TO THE FUTURE LAND USE MAP. BASED ON THE ZONING THAT WAS SUGGESTED, SOUNDS LIKE THAT WOULD BE A COMMERCIAL DESIGNATION. ON THE FUTURE LAND USE MAP. FOR ITEM NO. 57. ON ITEM NO. 58, I UNDERSTAND IT'S GR-CO, THAT WAS ALSO INCLUDING THE NP, THE NP NP DESIGNATION.

Mayor Wynn: COUNCILMEMBER DUNKERLY, DID THE GR-CO FOR ITEM NO. 58 DID THAT INCLUDE THE NP OR NEIGHBORHOOD PLAN DESIGNATION?

Dunkerly: YES.

THANK YOU.

Guernsey: WITH THAT, MAYOR, THOSE ARE THE ITEMS THAT WE WOULD OFFER FOR CONSENT.

Mayor Wynn: SO THEN ITEM 58 WOULD BE SECOND AND THIRD READING OR THIRD READING?

ITEM NO. 58 WOULD BE I GUESS SECOND AND THIRD READING AND ITEM NO. 57 WOULD BE SECOND AND THIRD READING WITH ITEM 57 BEING FOR COMMERCIAL USE AND ITEM 58 BEING FOR GR-CO-NP WITH THE CONDITIONS THAT WERE OUTLINED BY COUNCILMEMBER DUNKERLY.

Mayor Wynn: COUNCIL THEN OUR RECOMMENDED CONSENT AGENDA FOR THESE ZONING CASES WHERE WE HAVE ALREADY CLOSED THE PUBLIC HEARING WOULD BE TO APPROVE ON SECOND AND THIRD READINGS THE FOLLOWING CASES, CASES 49, 50, 51, 52, 53, AND 54. TO SHOW ON THE FUTURE LAND USE MAP ON ITEM 57, COMMERCIAL DESIGNATION FOR SECOND AND THIRD READING, AND TO APPROVE ON ITEM NO. 58 ON SECOND AND THIRD READING ZONING DESIGNATION OF GR-CO-NP WITH THOSE PROHIBITED USES READ INTO THE RECORD BY COUNCILMEMBER DUNKERLY.

AND BUFFERS AND THE --

Mayor Wynn: AND OTHER CONDITIONS AS OUTLINED BY MR. GUERNSEY. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER KIM TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 ABOUT0 WITH THE MAYOR PRO TEM TEMPORARILY OFF THE DAIS.

Gurensy:: LET ME GO ON TO THE NEIGHBORHOOD ZONING AND PLAN AMENDMENT HEARINGS AND APPROVAL OF

ORDINANCES AND RESTRICTIVE COVENANT. FIRST ITEM FOR CONSENT IS Z-1, NPA-05-0012.01, THIS IS TO CONDUCT A PUBLIC HEARING AND AMEND ORDINANCE NUMBER 020801-91, THE BOGGY CREEK NEIGHBORHOOD PLAN, AN ELEMENT OF THE AUSTIN TOMORROW COMPREHENSIVE PLAN TO CREATE FOUR SUBDISTRICTS KNOWN AS THE BLACK LAND, THE RODGERS-WASHINGTON-HOLY CROSS SUBDISTRICT, THE DELWOOD WILSHIRE WOODS SUBDISTRICT AND THE DELWOOD II SUBDISTRICT AND TO AMEND PORTIONS OF THE PLAN TEXT. THE OTHER ITEM IS ITEM Z-2 WHICH IS RELATED TO THIS ITEM, WHICH IS A ZONING CASE, C14-050204 BOGGY CREEK NEIGHBORHOOD PLAN AREA. CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE AMENDING CHAPTER 25-2 OF THE AUSTIN CITY CODE BY REZONING PROPERTY IN THE UPPER BOGGY CREEK NEIGHBORHOOD PLANNING AREA. THIS WOULD AGAIN THE ZONING CHANGE WOULD CREATE SUBDISTRICTS IN THE UPPER BOGGY CREEK NEIGHBORHOOD PLANNING AREA AND WOULD APPLY CERTAIN TOOLS WHICH INCLUDE THE PARKING PLACEMENT FOR NEW SINGLE FAMILY HOME CONSTRUCTION AS A DESIGN TOOL, GARAGE PLACEMENT FOR NEW SINGLE FAMILY CONSTRUCTION AS A DESIGN TOOL. FRONT PORCH EXTENDING THE FRONT YARD SETBACK AS A DESIGN TOOL AND THAT PARKING IN THE FRONT YARD MAY BE PROHIBITED. BOTH OF THESE ITEMS Z-1 AND 2 WERE RECOMMENDED BY THE PLANNING COMMISSION. AND ARE READY FOR YOU FOR FIRST READING ONLY FOR Z-1 AND Z-2. Z-3 IS A CONSENT I'M OFFERING FOR THREE READING. C14-050199, TEXAN MARKET STORE CAR WASH. 12195 METRIC BOULEVARD. A REZONING REQUEST FROM LR OR NEIGHBORHOOD COMMERCIAL DISTRICT ZONING TO GR-CO. COMMUNITY COMMERCIAL CONDITIONAL OVERLAY COMBINING DISTRICTS ZONING. THE ZONING AND PLATTING COMMISSION RECOMMENDED THE GR-CO ZONING, THIS AGAIN IS READY FOR YOU A THREE READINGS. THE RESTRICTIVE COVENANT HAS ALSO BEEN EXECUTED FOR LIMITING THE HOURS OF OPERATION FOR THE CAR WASH TO CERTAIN HOURS FROM 6:00 TO 10:00 P.M. ITEM NO. Z-4, Z-5 AND Z-6 ARE RELATED RESTRICTIVE COVENANT AMENDMENT ITEMS. THIS IS CASE C 14-00-2062 RCA NUMBER 2 FOR PROPERTY AT 807 EAST 11th STREET. Z-5 IS C 14-ON 0-2062 RCA NUMBER 3 FOR PROPERTY AT WILL 11 EAST IT --

811 EAST 9th AND EAST 8th STREET, CASE C 14-00-2062, NUMBER 4, SMS THESE THREE RESTRICTIVE COVENANTS STAFF IS RECOMMENDING A POSTPONEMENT OF EACH OF THESE ITEMS, Z-4, 5, 6 FOR ONE WEEK. TO MARCH 9th. ITEM Z-7, THIS IS CASE C14-050202, CROWN CASTLE, SPICEWOOD SPRINGS FOR A PROPERTY AT 4919 SPOOS WOOD SPRINGS ROAD, REZONING FROM INTERIM SF 3 WHICH STANDS FOR INTERIM FAMILY RESIDENCE DISTRICT ZONING TO GO, GENERAL OFFICE DISTRICT ZONING. THE APPLICANT HAS SPOKEN WITH THE ADJACENT PROPERTY OWNER AND REACHED AN AGREEMENT. THE AGREEMENT WOULD BE THAT THIS CASE WOULD BE POSTPONED FOR THREE WEEKS TO YOUR 23rd DATE. THE APPLICANT WILL COME BACK AND AMEND THE REZONING REQUEST TO COMPRISE A SMALLER AREA THAT WOULD ONLY BE NECESSARY TO -- TO ERECT THE TOWER AND BASICALLY STAYING OUT OF ANY MORE STEEPLY SLOPED AREAS. SO HE WILL HAVE TO RESURVEY SUBMIT FIELD NOTES BACK TO US, SHARE THOSE WITH THE ADJACENT PROPERTY OWNER AND HOPEFULLY WILL BRING THIS BACK ON THE 23rd AS A CONSENT ITEM. STAFF IS -- STAFF IS RECOGNIZING THIS IS A POSTPONEMENT REQUEST WHEN -- WHEN THE AGREEMENT BETWEEN THE NEIGHBORING PROPERTY OWNER AND THE APPLICANT TO -- TO THE 23rd. OF MARCH. ITEM NO. Z-8 IS A DISCUSSION ITEM. ITEM NO. Z-9 IS A DISCUSSION ITEM. ITEM Z-10 IS A DISCUSSION OF OVER A POSTPONEMENT REQUEST. ITEM Z-11 IS ALSO A DISCUSSION ITEM, AS WELL AS ZE 12, 13, 14 ARE DISCUSSION ITEMS. ITEM Z-10, C14-05066, 6800 BURNET ROAD, THIS IS A REZONING REQUEST FROM GENERAL COMMERCIAL SERVICES DISTRICT ZONING, WHICH IS CS ZONING AND COMMERCIAL LIQUOR SALES, CS 1 ZONING, THE COMMISSION DID RECOMMEND THE COMMERCIAL LIQUOR SALES, CS 1 DISTRICT ZONING. THE PROPERTY OWNER HAS BEEN WORKING WITH THE ADJACENT NEIGHBORHOOD AND HAS AGREED TO -- TO TWO OF THEIR CONDITIONS. THAT THEY ASKED FOR. ONE THE PROPERTY OWNER HAS AGREED TO A CONDITIONAL OVERLAY. TO PROHIBIT COCKTAIL LOUNGE USE, SO IF THEY WERE SUCCESSFUL IN GETTING THE CS 1 ZONING THEY COULD OPEN A LIQUOR STORE, BUT NOT PURSUE LATER A CONDITIONAL USE PERMIT TO OPEN A COCKTAIL LOUNGE. ALSO TO AGREE TO A RESTRICTIVE COVENANT THAT IF THE -- IF THE LIQUOR STORE USE WERE

TO CEASE FOR MORE THAN 180 DAYS, THAT THEY WOULD AGREE TO A ROLLBACK TO CS ZONING, THAT -- THAT WOULD TAKE THE FORM OF A COVENANT. THIS WOULD BE FIRST READING. THE NEIGHBORHOOD CONTACTED US LATE LAST NIGHT. THEY WANT TO MAKE SURE THAT THEIR POSITION IS CLEAR. THAT THEY ARE UNABLE TO ATTEND THE MEETING TODAY. AND THAT THEY WOULD RESPECTFULLY REQUEST A POSTPONEMENT TO THE 23rd. THE -- THE APPLICANT'S AGENT IS HERE. DOES OBJECT TO THE POSTPONEMENT AND I -- I WILL LET THE PROBABLY THE APPLICANT'S AGENT COME FORWARD AND SPEAK TO THEIR -- THEIR -- WHAT THEIR POSITION IS REGARDING THE POSTPONEMENT REQUEST. THAT'S MR. JEFF HOWARD.

Mayor Wynn: A POSTPONEMENT REQUEST FROM YOUR NEIGHBORS.

THANK YOU, MAYOR, GOOD EVENING, COUNCILMEMBERS, I'M JEFF HOWARD, HERE FOR THE APPLICANT. THE CASE WAS FILED IN SEPTEMBER OF '05. IT TOOK A FULL THREE MONTHS AND FOUR ZONING AND PLATTING COMMISSION HEARINGS MEETINGS TO GET HEARD GET VOTED ON. MY CLIENTS MET WITH THE NEIGHBORHOOD THREE TIMES, THEY HAVE OFFERED THIS BACK IN OCTOBER, WILLING TO DO THIS ALL ALONG, WE ARE DOING WHAT THEY HAVE ASKED US TO DO. WE DON'T SEE THE NEED FOR A POSTPONEMENT CERTAINLY THREE WEEKS IS GOING TO BE PARTICULARLY HARD ON THIS LANDOWNER BECAUSE THEY ARE UNDER CONSTRUCTION RIGHT NOW AND HAVE BEEN AND WILL NEED TO KNOW WHETHER THEY ARE DOING FINISHOUT BEFORE THIS LIQUOR STORE OR NOT. SO THREE WEEKS IS SIMPLY TOO MUCH TIME FOR A POSTPONEMENT, UNNECESSARY GIVEN THAT WE AGREED TO THEIR CONDITIONS, WITH THAT I WILL BE HAPPY TO ANSWER ANY QUESTIONS THAT YOU MAY HAVE.

Mayor Wynn: THANK YOU, MR. HOWARD. QUESTIONS OR COMMENTS, COUNCIL? MR. HOWARD, YOU ARE PROBABLY AWARE THAT WE HAVE A PRETTY FIRM RULE ABOUT ALWAYS GRANTING A FIRST TIME POSTPONEMENT REQUEST REALLY INDEPENDENT OF FRANKLY HOW LENGTHY IT MIGHT HAVE BEEN FOR YOU TO GET TO US. WE DON'T, HOWEVER, AUTOMATICALLY AGREE WITH THE LENGTH OF A

POSTPONEMENT. GENERALLY IT'S JUST THE CONCEPT OF A POSTPONEMENT. WE OF COURSE DON'T MEET ON THE 16th BECAUSE OF SPRING BREAK. SO THE POSTPONEMENT IF IT'S GRANTED SEEMS TO BE COUNCIL NEEDS TO BE FOR ONE WEEK TO THE 9th OR THREE WEEKS TO THE 23rd.  
COUNCILMEMBER MCCRACKEN?

COULD WE HAVE IT READY FOR ALL THREE READINGS NEXT WEEK?

I DON'T THINK YOU COULD THAT'S PART OF THE REASON THAT WE WOULD LIKE THE REQUEST TO BE, IF YOU ARE GOING TO GRANT IT, POSTPONE IT TO BE ONE WEEK, THAT WOULD BE FIRST READING ONLY. WE COULD COME BACK FOR SECOND AND THIRD READING.

WOULD IT BE POSSIBLE TO IF WE DID TAKE A WEEK, SOMETIMES THE WEEK GIVES US THE OPPORTUNITY TO GET IT READY FOR ALL THREE. GUEST GREG WOORKS THAT BE POSSIBLE?

WE WOULD NEED TO WORK WITH THE LAW DEPARTMENT, GET THE PARTICULARS ON WHO IS GOING TO SIGN THE COVENANT. IN WHICH CAPACITY. THE ORDINANCE WOULD BE SIMPLE ENOUGH. WE DO HAVE A -- THE FIELD NOTES, BUT THE COUGH NAPT WOULD BE A DOCUMENT -- COVENANT WOULD BE A DOCUMENT THAT WE WOULD NEED TO DRAFT AND HAVE IT REVIEWED BY ALL OF THE DIFFERENT PARTIES.

A -- THE LAW DEPARTMENT WOULD BE ABLE TO DO THAT. I THINK THE QUESTION WOULD BE THE RESTRICTIVE COVENANT AND WHETHER THE NEIGHBORS WOULD BE WILLING TO -- TO SIGN IT. SO --

I DON'T KNOW IF THE NEIGHBORHOOD WOULD -- WOULD NEED TO SIGN THE RESTRICTIVE COVENANT, IT COULD BE A DECLARATION OR A RESTRICTION, A DEED RESTRICTION ON THE PROPERTY. IT'S OUR COVENANT I THINK WITH THE CITY THAT WE WOULDN'T OPPOSE A ROLLBACK.

THEN MAYOR WHAT I WOULD SUGGEST IS THAT WE DO FOR ONE WEEK POSTPONEMENT WITH -- WITH THE DIRECTION BEING READY FOR ALL THIRD READINGS NEXT WEEK AND

YOU KNOW SOUNDS LIKE WE HAVE AN AGREEMENT AND THAT -- THAT THE ZONING CASE HAS BEEN KICKING AROUND FOR A LONG TIME. SO LET'S GET THIS NEXT WEEK ALL THREE READINGS.

Mayor Wynn: THANK YOU.

Mayor Wynn: ACTUALLY THEN UNLESS THERE'S FURTHER DISCUSSION ABOUT THE POSTPONEMENT REQUEST, OBVIOUSLY WE CAN ALWAYS UNION POSTPONE AGAIN ON THE 9th IF WE CHOSE. THEN THE SUGGESTED CONSENT AGENDA FOR THESE ZONING CASES WHERE WE HAVE -- WHERE WE HAVEN'T HAD THE PUBLIC HEARING YET WOULD BE TO CLOSE THE PUBLIC HEARING ON THOSE CASES WHERE WE ARE GOING TO TAKE ACTION TO APPROVE ON FIRST READING ONLY CASES Z-1 AND Z-2, TO APPROVE ON ALL THREE READINGS, CASE Z-3. TO POSTPONE CASE Z-4, Z-5, Z-6, TO MARCH 9th, 2006. TO POSTPONE Z-7 TO MARCH 23rd, 2006. TO POSTPONE Z-10 TO MARCH 9th, 2006.

MOVE APPROVAL.

MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER LEFFINGWELL TO APPROVE THE CONSENT AGENDA AS READ. I'LL NOTE THAT -- THAT ON Z-1 AND Z-2 OF -- OF A COUPLE OF FOLKS WHO SIGNED UP WISHING TO SPEAK, BOTH IN FAVOR OF THIS, JERARD KINNEY, LESLIE LAWSON, I ASSUME THAT THEY DON'T NEED TO SPEAK SINCE WE WILL BE APPROVING THIS ON FIRST READING. FURTHER COMMENTS ON THE CONSENT AGENDA? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. FAVOR FAVOR.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

Guernsey: THANK YOU, MAYOR, THAT BRINGS US BACK TO ITEM NO. 55 AND 56, THESE ARE RELATED NEIGHBORHOOD PLAN AND ZONING ITEMS.

GOOD EVENING, I'M MIKE WALTERS WITH THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. TONIGHT I WILL BE PRESENTING TO YOU AGENDA ITEM 55 AND 56. 55 IS AMENDING THE PLAN, 56 IS THE ZONING TO

IMPLEMENT THE LAND USE PORTION OF THE PLAN. IF YOU MAY REMEMBER, THIS CASE HAS BEEN BEFORE YOU SEVERAL TIMES. GIVE BACKGROUND. THIS -- THIS PIECE OF PROPERTY HERE WAS 100 AND 0 RED BIRD LANE. DURING THE PLANNING PROCESS WE IDENTIFIED IT AS SIMPLY AN OFFICE. UPON FURTHER INVESTIGATION WE DETERMINED IT WAS CONSTRUCTION SALES AND SERVICE. WE RECOMMENDED L.O.-MU-CO-NP FOR THE ZONING. AND OVER SEVERAL COUNCILMEMBERS THE ZONING HAS BEEN FIRST READING SF 3, THEN SECOND READING COUNCIL APPROVED L.O.-MU-CO-NP WITH CONDITIONS, THAT WAS ALSO WITH THE PLANNING COMMISSION -- WHAT THE PLANNING COMMISSION APPROVED. WHAT I'M GOING TO DO NOW IS KIND OF REVIEW WHAT THE DIFFERENT OPTIONS YOU MIGHT HAVE BEFORE YOU TONIGHT, AND WHAT THOSE MIGHT LEAD TO. IF COUNCIL CHOOSES TO LEAVE THE ZONING AS IN THE CURRENT CONFIGURATION AS SF 3 AND SF 6, THE BUSINESS -- THE LAND USE STATUS WOULD BE NON-CONFORMING, THE COUNCIL WOULD HAVE TO APPROVE A SINGLE FAMILY LAND USE STATUS AS A PART OF THE NEIGHBORHOOD PLAN. THE BUSINESS MAY CONTINUE OPERATING AS A CONSTRUCTION SALES AND SERVICE. BUT IT MUST BE RETURNED TO ITS 1986 CONFIGURATION AND THAT IS THE -- THE HATCHING ON THE MAP BEFORE YOU. NO NEW COMMERCIAL IMPROVEMENTS MADE BE -- MAY BE MADE TO THE PROPERTY. ALL OF THE MATERIALS ON THE GROUND MUST BE REMOVED AND A COMPATIBILITY BUFFER SHOULD BE ENFORCED AND ON THE MAP HERE IT IS ON THE -- ON THE -- REPRESENTS THE YELLOW DOTTED LINE IS THE EXTENT OF THE COMPATIBILITY BUFFER. THEN A SIX FOOT FENCE BETWEEN THE BUSINESS AND ADJACENT SINGLE FAMILY MAY BE REQUIRED. THERE ARE SOME ADMINISTRATIVE DISCRETION THERE AND REQUIRE WHETHER OR NOT TO REQUIRE A FENCE. IF COUNCIL CHOOSES TO VOTE FOR THIRD READING, WHAT WAS DONE ON SECOND READING WAS TO APPROVE THE -- THE CONDITIONAL OVERLAY WOULD HAVE REQUIRED A 30-FOOT VEGETATIVE BUFFER. THIS AGAIN WAS APPROVED BY THE PLANNING COMMISSION. THE LAND USE WOULD STILL BE NON-CONFORMING, BUT THE BUSINESS MAY CONTINUE AS A CONSTRUCTION SALES AND SERVICE IF IT WAS RETURNED TO ITS 1986 CONFIGURATION, AGAIN REPRESENT BID THE

HATCHING THERE. MINOR EXPANSIONS TO THE 1986 MAY BE PERMITTED. THE SITE PLAN MAY BE REQUIRED AT THAT TIME. AND A SITE PLAN WOULD TRIGGER ANY CONDITIONS THAT ARE PART OF THE ZONING. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

IT WOULD LIMIT THE USES TO ALL LIMITED OFFICE USES, PLUS CONSTRUCTION SALES AND SERVICES. WE REQUIRE A 35-FOOT VEGETATIVE BUFFER, SO BETWEEN THE BLUE PROPERTY LINE AND THE DASHED LINE, THIS WOULD HAVE TO BE A VEGETATED SPACE OF 25 FEET DEEP. IT WOULD ALSO -- IN ORDER TO ENTER OR TO LEAVE THE PROPERTY, IT WOULD BE LIMITED TO RIGHT TURNS ONLY, AND THAT WOULD FORCE ALL THE TRUCK TRAFFIC BACK TOWARDS CONGRESS AVENUE, WHICH IS ON THE MAP BEFORE YOU, BUT TO THE EAST. ALSO WOULD REQUIRE A FRONT FENCE WITH GATE ACCESS. AND THE PROPERTY OWNER DOES SUPPORT THIS. SINCE THE LAST TIME WE WERE BEFORE YOU, STAFF, THE PROPERTY OWNER AND NEIGHBORS DID SIT DOWN TO MEET TO SEE IF THEY COULD COME UP WITH A COMPROMISE, AND NEIGHBORHOOD PLANNING STAFF WAS THERE AND THE PROPERTY OWNER AND THE NEIGHBORHOOD FELT THAT THEY ALMOST REACHED A CONSENSUS, BUT UPON REFLECTION THE NEXT DAY, MR. HARPER DECIDED HE COULD NOT AGREE TO WHAT HE HAD TENTATIVELY, POSSIBLY AGREED ON THE NIGHT BEFORE. SO WE WERE BASICALLY BACK TO THE PROPERTY OWNER WANTING THE CS AND THE NEIGHBORHOOD WANTING THE LO. AND IF CS IS GRANTED, THE BUSINESS WOULD MAY BE CONTINUE AS IT IS AND THEY COULD EXPAND IN THE FUTURE. IF THE PROPERTY OWNER WISHES TO MAINTAIN THE IMPROVEMENTS MADE AFTER 1986 1986 AND MAKE ADDITIONAL IMPROVEMENTS TO THE SITE, HE WOULD REQUIRE A SITE PLAN. MATERIALS ON THE GROUND MUST BE REMOVED OR STORED IN AN ELEVATED STRUCTURE, ELEVATED STORAGE. THE COMPATIBILITY BUFFER AGAIN ON THE WEST BETWEEN THE DOTTED YELLOW LINE AND THE BLUE LINE WOULD NEED TO BE ENFORCED, AND THE SIX-FOOT FENCE MAY BE REQUIRED. AND THERE IS A PETITION BY THE PROPERTY OWNER STATING THAT HE OBJECTS TO ANY ZONING OTHER THAN THE CS-MU-CO-NP. AND THAT IS THE CONCLUSION OF MY PRESENTATION. IF YOU HAVE ANY

QUESTIONS, I WOULD BE HAPPY TO ANSWER THEM AT THIS TIME. THERE IS A REPRESENTATIVE OF THE NEIGHBORHOOD AND MR. HARPER ATTENDANCEER IN ATTENDANCE IF YOU HAVE ANY QUESTIONS OF THEM.

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF, COUNCIL? COMMENTS? IT'S BEEN A DIFFICULT CASE ALL ALONG, OBVIOUSLY. AND STILL IS. COMMENTS, QUESTIONS? COUNCILMEMBER LEFFINGWELL.

Leffingwell: AT THE LAST TIME WE CONSIDERED THIS CASE, I AM THE PERSON WHO SUGGESTED THAT WE CONSIDER OPTION NUMBER 3, AND BY THE WAY, I REALLY APPRECIATE YOU HAVING THIS LAID OUT. IT MAKES IT VERY CLEAR WHAT THE RESULTS OF THE VARIOUS OPTIONS ARE. SO WE HAVE FORMULATED THIS PARTICULAR ZONING CATEGORY, CS-MU-CO-NP WITH A RESTRICTIVE COVENANT IN ORDER TO ALLOW THE BUSINESS OWNER TO STAY IN BUSINESS AT THE SAME LOCATION WHERE HE'S BEEN FOR I UNDERSTAND APPROXIMATELY 60 YEARS. AND UNDER ANY OF THE OTHER OPTIONS HE WOULD BE REQUIRED TO MOVE PART OF HIS BUSINESS ELSEWHERE. THAT'S WHAT I UNDERSTAND. MOVE THE STORAGE OFF SITE, ETCETERA. SO THAT'S THE REASON THAT I SUGGESTED THIS OPTION. I UNDERSTAND IT DOES HAVE A VALID PETITION AGAINST IT, BUT I WOULD AT LEAST OFFER UP A MOTION TO APPROVE THE CS-MU-CO-NP WITH THE RESTRICTIVE COVENANT. ON THIRD READING. >>

Mayor Wynn: MOTION MADE BY COUNCILMEMBER LEFFINGWELL TO APPROVE ON THIRD READING CHANGE THE ZONING TO CS-MU-CO-NP WITH THE ROLLBACK RESTRICTIVE COVENANT.

Dunkerley: AGAIN, WHAT ARE ALL THE ELEMENTS OF THE RESTRICTIVE COVENANT?

THE RESTRICTIVE COVENANT WOULD BE THAT IF THE BUSINESS CEASED OPERATION FOR -- A BUSINESS OF CONSTRUCTION SALES AND SERVICE CEASED OPERATION FOR GREATER THAN 90 DAYS, THE PROPERTY OWNER WOULD NOT OBJECT TO A CITY-INITIATED ZONING CASE TO ROLL THAT BACK. I THINK TO THE LO OPTION.

Dunkerley: ALL OF THE VEGETATIVE BUFFERS AND THINGS COVERED IN THE CO?

YES, COUNCILMEMBER.

Dunkerley: MAYBE YOU SHOULD TELL ME THE CO AGAIN.

THE CO FOR WHAT COUNCILMEMBER LEFFINGWELL RECOMMENDED WOULD LIMIT ALL OF THE USES TO ONLY THOSE ALLOWED IN LIMITED OFFICE WITH THE ADDITION OF THE CONSTRUCTION SALES AND SERVICE USE THAT IS CURRENTLY ON THE SITE. THERE WOULD BE A 25-FOOT VEGETATIVE BUFFER CURRENTLY COMPATIBILITY WOULD REQUIRE MAYBE JUST A GRASS LAWN BETWEEN THE PROPERTY OWNER AND THAT 25-FOOT LINE. THIS WOULD REQUIRE IT TO BE MORE FULLY VEGETATED, TO CREATE MORE OF A AUDIO BUFFER BETWEEN THE PROPERTIES. ALSO, THE RIGHT TURN EGRESS FROM THE SITE, IT'S A COUPLE OF LOTS TO THE WEST OF CONGRESS AVENUE, SO ANY TRAFFIC WOULD BE FORCED TO GO BACK TOWARDS CONGRESS AVENUE AND NOT THROUGH THE NEIGHBORHOOD. AND A FRONT FENCE WITH A GATE AT THE FRONT OF THE PROPERTY.

Dunkerley: ALL RIGHT. THANK YOU. THAT'S GOOD.

Mayor Wynn: WE HAVE A MOTION AND A SECOND FOR ESSENTIALLY OPTION NUMBER 3, CS-MU-CO-NP WITH THE ROLLBACK RESTRICTIVE COVENANT AS OUTLINED BY MR. WALTERS. COUNCILMEMBER ALVAREZ?

Alvarez: A QUESTION. I DON'T KNOW IF YOU COULD PUT THAT MAP BACK ON THAT SHOWS THE 1986 FOOTPRINT AND WHAT -- AND WHAT APPEARS TO BE A CIRCULAR DRIVEWAY IN THE FRONT OF THE PROPERTY. THERE ARE SEVERAL STRUCTURES WITHIN THAT KIND OF HALF CIRCLE. AND WHAT ARE THOSE? MAYBE THE OWNER WOULD EXPLAIN WHAT THOSE ARE. YEAH, THOSE WITHIN THAT CLEARED AREA.

TWO OF THOSE WERE STORAGE PODS THAT WERE THERE AT THE TIME, BUT CURRENTLY THE AREA IS USED AS I THINK EMPLOYEE PARKING. CURRENTLY, PRIOR TO -- I DON'T KNOW

THE EXACT TIME. I THINK IT WAS FOUR OR FIVE YEARS AGO, IT WAS A GRASSY AREA AND THEN APPARENTLY THE PROPERTY OWNER DID PUT SOME KIND OF IMPERVIOUS PAVING SERVICE, ROCK OR ROCK BASE OR SOMETHING ON THERE TO ALLOW FOR EMPLOYEE PARKING.

Alvarez:.

THE STORAGE --

THE PODS HAVE BEEN REMOVED, IT'S MY UNDERSTANDING, TO THE REAR OF THE PROPERTY.

Alvarez: AND THEN IF THIS PARTICULAR ZONING WOULD BE APPROVED AND IT SAYS HERE THEY COULD EXPAND BEYOND THE 1986 FOOTPRINT. IS THERE A LIMIT TO HOW MUCH THEY COULD EXPAND?

YOU COULD EXPAND TO WHATEVER THE SITE DEVELOPMENT STANDARDS, THE CS WOULD ALLOW. THAT WOULD BE A 95% BUILDING OR IMPERVIOUS COVER FOR THE SITE.

Alvarez: YOU COULD EXTEND IT ALL THAT WAY BACK TO THE REAR OF THE PROPERTY?

YES. I THINK CS HAS A ZERO REAR SET BACK, OFF THE TOP OF MY HEAD, BUT IT'S A VERY SMALL SET BACK.

Alvarez: AND WHAT IS BEHIND THAT PROPERTY?

I DO BELIEVE THERE'S A DAY CARE AND -- A DAY CARE, AND I THINK OFF TO ONE CORNER I THINK THERE IS A SELF-STORAGE FACILITY AS WELL, THE VERY, VERY CORNER, VERY TIP OF IT THERE IS SOME TYPE OF STORAGE FACILITY BACK THERE.

Alvarez: OKAY. MAYBE IF THE OWNER WOULD LIKE TO TALK ABOUT WHAT HIS PLANS ARE IF HE WERE TO GET THE CS AND HOW MUCH HE WOULD LOOK TO EXPAND WHAT'S CURRENTLY THERE.

Mayor Wynn: WELCOME, MR. HARPER.

THANK YOU FOR YOUR TIME. OUR GOAL IS IN THE BACK PORTION OF THE BUILDING, AND IF YOU COULD LOOK AT THE SITE THERE, THE BIGGER PART OF THE BUILDING --  
[INAUDIBLE - NO MIC].

THIS PORTION RIGHT HERE IS OUR OFFICE BUILDING AND WE PLAN ON BUILDING A BUILDING RIGHT HERE DEPENDING ON WHAT CITY PERMIT WILL ALLOW US TO BUILD SO THAT WE CAN BRING THE TRUCKS IN HERE, BACK THEM UP AND LOAD THEM IN HERE. THEN THEY WILL EXIT OUT HERE BACK TO THE HIGHWAY. SO THAT'S OUR LONG RANGE GOAL.

Alvarez: AND CURRENTLY WHAT IS THE PROCESS LIKE?

THEY COME IN RIGHT HERE AND WE UNLOAD THEM RIGHT HERE, MOVE THE STUFF TO THE BACK MANUALLY. AND THAT'S ONE OF THE PROBLEMS WITH THE WHOLE SITUATION, IT NEEDS TO BE IMPROVED, AND THIS WILL IMPROVE IT. JUST SO YOU WILL KNOW, ONE OF THE QUESTIONS YOU HAD IS IN FRONT OF THE BUILDING WE CAN'T BUILD ANYTHING UP THERE REALLY BECAUSE WE WOULD HAVE NO WAY TO ENTER AND EXIT THE PROPERTY.

Alvarez: AND MAYBE THIS IS ANOTHER STAFF QUESTION. OR MAYBE FOR THE OWNER, BUT WHAT I'M TRYING TO SAY IS IF WE WERE TO DO THE LO-MU OPTION, THAT WOULD GIVE HIM KIND OF A SIMILAR OPPORTUNITY TO MAINTAIN THE 86 -- GO BACK TO THE '86 CONFIGURATION WITH SOME MODIFICATIONS. I'M NOT SURE IF THAT'S -- IF THAT'S WHAT IT SAID, BUT THEN THE TRUCKS WOULD STILL BE ALLOWED INTO THE PROPERTY TO ACCESS THE BUSINESS UNDER LO.

I BELIEVE AS LONG AS THE IMPERVIOUS COVER -- YEAH. IT WOULD DEPEND ON HOW MUCH IMPERVIOUS COVER HE WOULD NEED TO BUILD IN ORDER TO PUT THE TRUCKS IN THERE, AS WELL AS TO ACCOMMODATE --

Alvarez: THEY'RE FINALLY GOING IN THERE NOW.

I ALSO UNDERSTAND THERE IS SOME UNLOADING AND

LOADING OF MATERIALS FROM THE RIGHT-OF-WAY.

Alvarez: THOSE ARE ALL MY QUESTIONS. THANKS, MAYOR.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? AGAIN, WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE -- AGAIN, OUR THIRD OPTION, CHANGE ZONING TO CS-MU-CO-NP, THE ROLLBACK RESTRICTIVE COVENANT. YES?

JUST ONE POINT OF CLARIFICATION. IF MR. HARPER WAS TO REMOVE ALL THE IMPROVEMENTS THAT WERE MADE AFTER 1986, THE SITE PLAN WOULD NOT -- AND MADE NO FUTURE EXPANSION OF THE BUSINESS, THE SITE PLAN WOULD NOT BE TRIGGERED. I JUST WANTED TO CLARIFY THAT.

Mayor Wynn: ALL RIGHT. THANK YOU.

Alvarez: ANOTHER QUESTION, MAYOR.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: IF THERE IS A DAY CARE USE IN THE BACK, IS THERE ANY SORT OF COMPATIBILITY ISSUES WITH HIM BUILDING -- SINCE THERE ARE NO SETBACKS SPECIFICALLY?

I DO KNOW THAT THE -- I DON'T THINK THERE WOULD BE A COMPATIBILITY BECAUSE THE PROPERTY ON STASSNEY, WHICH THIS WOULD BE BACKED UP TO, IS EITHER ZONED GO-MU OR GR-MU. IT'S A COMMERCIAL ZONED PIECE OF PROPERTY THAT THIS ONE ABUTS TO THE REAR OF THE PROPERTY.

Alvarez: OKAY. MAYBE TO THE OWNER THEN IF HE'S ABLE TO PROVIDE A BUFFER FROM THAT PROPERTY TO THE REAR, I KNOW HE'S CONTEMPLATING AN EXPANSION TO THE REAR AND HE'S GIVEN UP -- MR. HARPER, IS THAT RIGHT?

HARPER.

Alvarez: WOULD THERE BE A POSSIBILITY FOR A REAR SET BACK?

THERE IS SOME PLANNING BACK THERE NOW DUE TO THEFT

OVER THE BACK FOOT FROM TRANSIENTS, WE'VE HAD TO PUT UP A FENCE WITH WIRE ON IT. WE COULD LACE THAT FENCE WITH THE MATERIAL THAT CREATES A SITE BUFFER, BUT THAT'S BEEN A DAY CARE MULTIPLE TIMES. IT ALSO IS A CLEANING SERVICE THERE AS WELL. WE'VE NEVER HAD ANY ISSUE WITH THAT EITHER TIME. SO -- WE WOULD DO WHATEVER WE NEEDED TO DO THERE. I DON'T THINK I COULD GIVE UP ANY FOOTAGE BACK THERE BECAUSE I'VE ALREADY GIVEN UP 25-FOOT ON THAT ONE SIDE AS IT IS. BUT WE WOULD DO SOMETHING TO BUFFER THAT IF IT WAS SO NEEDED.

Alvarez: I DON'T SEE NECESSARILY A STRUCTURE ON THAT ADJOINING PROPERTY ABUTTING THE PROPERTY LINE.

FOR THEM OR FOR ME?

Alvarez: FOR THEM.

THEY DON'T COME ALL THE WAY BACK TO THE FENCE. AND THEY HAVE PARKING FOR THEIR CLEANING SERVICE AND THE DAY CARE IS ON THE STASSNEY SIDE.

Alvarez: OKAY. THANKS.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? AGAIN, WE HAVE A MOTION AND A SECOND ON THE TABLE. HEARING NO COMMENTS, ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. SO THAT WAS THE -- INCLUDED CLOSING THE PUBLIC HEARING, SO THAT WAS THE ZONING CASE 58. AND SO NOW DO WE NEED TO TAKE UP ITEM 57 AND CHANGE THE LAND USE PLAN?

55 WOULD BE THE LAND USE. 56 WOULD BE THE ZONING.

Mayor Wynn: SO THAT WAS ITEM 56, THE ZONING.

CORRECT. AND THE LAND USE WOULD BE A CORRESPONDING LAND USE WOULD BE MIXED USE LAND

USE DESIGNATION.

Mayor Wynn: I'LL ENTERTAIN THAT MOTION.

Leffingwell: MAYOR, I SHOULD HAVE INCLUDED THAT WITH THE PREVIOUS MOTION, BUT SINCE IT'S ALREADY VOTED ON, I'LL MOVE TO CHANGE THE FUTURE LAND USE MAP TO CORRESPOND WITH THIS REQUEST.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER DUNKERLEY TO CHANGE THE FUTURE LAND USE MAP, ITEM NUMBER 55, COMPLIANT WITH OUR ZONING ON 56. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL VERY MUCH.

THANK YOU.

MAYOR AND COUNCIL, MOVING ON TO ITEM NUMBER Z-8, CASE C-14-05-0085, THE POWERS 20 PROPERTY AT 11520 NORTH IH-35 ALONG THE SOUTHBOUND FRONTAGE ROAD OF I-35. THIS IS A REZONING REQUEST FROM GO OR GENERAL OFFICE ZONING TO GR, COMMUNITY COMMERCIAL ZONING. THE ZONING AND PLATTING COMMISSION RECOMMENDATION WAS FOR LR-CO OR NEIGHBORHOOD COMMERCIAL CONDITIONAL OVERLAY DISTRICT ZONING. THIS PROPERTY IS APPROXIMATELY 1.65 ACRES IN SIZE, AND THE OWNER AND AGENT IS MR. FRED POWERS. THE SUMMARY OF THE ZONING AND PLATTING RECOMMENDATION WITH THE LIMITATIONS OF LR-CO WOULD LIMIT THE VEHICLE TRIP LIMIT TO 2,000 VEHICLE TRIPS PER DAY, WOULD PROHIBIT DRIVE-THROUGH USES, WOULD PROHIBIT SERVICE STATIONS, AND THEN WOULD INCLUDE ADDITIONAL PROHIBITED USES THAT WERE OUTLINED BY STAFF THAT WOULD BE ALLOWED IN LR, BUT IN THIS CASE THEY'RE SUGGESTING WOULD BE PROHIBITED, AND THAT WOULD INCLUDE COLLEGE AND UNIVERSITY FACILITIES, COMMUNITY RECREATION PUBLIC AND COMMUNITY RECREATION PRIVATE, CONGREGATE LIVING, COMMERCIAL -

- EXCUSE ME, CONSUMER REPAIR SERVICES, FINANCIAL SERVICES, GUIDANCE SERVICES, HOSPITAL SERVICES LIMITED, OFF SITE ACCESSORY PARKING, PRINTING AND PUBLISHING, PRIVATE SECONDARY EDUCATION FACILITIES AND RESIDENTIAL TREATMENT. THE STAFF RELIGIOUS ON THIS CASE WAS FOR GR-CO, AGAIN WITH A 2,000 TRIP LIMIT, AND THEN STAFF ALSO RECOMMENDED A LIST OF PROHIBITED USES, WHICH WAS SIMILAR TO A ZONING CASE THAT COUNCIL REVIEWED IN THE YEAR 2004 FOR PROPERTY ALONG THE SOUTHBOUND FRONTAGE ROAD OF I-35, ALSO BACKING UP TO POLLYANNA, APPROXIMATELY THREE BLOCKS FURTHER TO THE NORTH OF THIS PROPERTY. AND THAT INVOLVED A PROPOSED RENTAL CAR AGENCY, SOME OF YOU MIGHT RECALL FROM THAT TIME PERIOD IF YOU WERE ON THE CITY COUNCIL. I UNDERSTAND THERE ARE CITIZENS SIGNED UP IN FAVOR AND ALSO SIGNED UP OPPOSED TO THIS REZONING CASE. AND WITH THAT I'LL PAUSE, AND IF YOU HAVE ANY QUESTIONS, I'LL BE HAPPY TO ANSWER THEM. RIGHT NOW THE PROPERTY AGAIN, THIS IS READY FOR FIRST READING ONLY.

WE'LL HAVE OUR ZONING CASE AND PRESENTATION. WE START WITH A FIVE MINUTE PRESENTATION FROM THE APPLICANT, OWNER AGENT. WE THEN HEAR FROM FOLKS WHO SIGNED UP IN FAVOR OF THE ZONING CASE, THEN IN THIS CASE FOLKS WHO SIGNED UP NEUTRAL AND THEN FOLKS WHO SIGNED UP IN OPPOSITION, THEN WE HEAR A REBUTTAL FROM THE OWNER/APPLICANT AGENT. WELCOME. SIR, YOU WILL HAVE FIVE MINUTES.

THANK YOU, COUNCILMEMBER COUNCIL. MY NAME IS ED MOORE, I'M HERE REPRESENTING THE PROPERTY OWNER, FRED POWERS. AND WHAT WE'D LIKE TO REQUEST FROM THE COUNCIL IS TO MOVE BACK TOWARDS WHAT THE CITY STAFF RECOMMENDED, WHICH WAS THE GR ZONING, BUT ALLOW THE HOTEL USE, MOTEL HOTEL USE WITH THE GR ZONING THAT WAS RECOMMENDED BY STAFF. WE HAVE A LOT OF REASONS WHY WE THINK THIS IS A REASONABLE THING TO DO. FOR ONE THING, THE CITY STAFF JUST MENTIONED THAT THEY LOOKED AT A SITE THAT WAS THREE BLOCKS TO THE NORTH AS A COMPARISON. IF YOU LOOK TO THE PROPERTY DIRECTLY SOUTH ADJACENT TO MY CLIENT'S PROPERTY, IT IS THE WALNUT FOREST MOTEL. IN ORDER,

THERE'S ALREADY A MOTEL USE DIRECTLY ADJACENT TO OUR PROPERTY. AND FRED, IF YOU COULD PUT THE PICTURE UP THAT SHOWS THE MOTEL DIRECTLY ADJACENT TO US. WE DO HAVE A PICTURE THAT SHOWS THE ONE -- THERE IT IS, WALNUT FOREST MOTEL. AND THIS PICTURE IS TAKEN FROM MR. POWERS' PROPERTY LOOKING TO THE SOUTH, SO YOU SEE THAT THERE IS MOTEL USE DIRECTLY NEXT DOOR TO MR. POWERS' PROPERTY. ANOTHER REASON WHY WE THINK THAT IT'S REASONABLE TO REQUEST MOTEL USE FOR THIS PROPERTY IS BECAUSE IT IS VERY WELL SCREENED TO THE RESIDENTIAL USE THAT'S DIRECTLY BEHIND IT, AND WE'LL SHOW YOU THAT PICTURE NEXT. ALSO TAKEN FROM THE SITE THERE'S A 25-FOOT -- THAT'S THE PICTURE, YEAH. THERE'S A 25-FOOT BUFFER THAT CONTAINS 20-FOOT TALL BAMBOO, AND LOOKING FROM MR. POWERS' SITE TO THE NEIGHBORHOOD, ALL YOU CAN SEE IS GREENERY. AND YOU SEE THAT ON THIS PICTURE, SO WE THINK THERE'S SUCH GOOD SCREENING THERE THAT NOBODY THAT LIVES IN THE RESIDENTIAL AREA BEHIND THE PROPOSED HOTEL PROPERTY WOULD BE AFFECTED FROM A VISUAL OR SOUND OR OTHER TYPE OF FACTORS. WE ALSO WANTED TO SHOW YOU OUR NEXT PICTURE, WHICH IS THE TYPE OF MOTEL THAT'S PROPOSED THAT WE WOULD RESTRICT IT TO, PICTURE NUMBER 33. NOT THIS ONE. THE HOTEL WOULD NOT BE AN AUTOMOBILE COURT MOTEL THAT ALLOWS ACTIVITY OUTSIDE THE HOTEL ROOM, AND EXTERIOR ROOMS TO THE HOTEL ROOMS, IT WOULD BE ALL ACCESSED FROM A CENTRAL CORRIDOR WITH A CLERK THAT WOULD BE ABLE TO SEE EVERY PERSON THAT WENT IN AND OUT OF THE HOTEL. SO I KNOW THAT THERE'S SOME CONCERN ABOUT ACTIVITIES OUTSIDE AN AUTOMOBILE COURT HOTEL. WELL, IN THIS STYLE OF HOTEL THAT WE WOULD RESTRICT OURSELF TO, ALL THE TRAFFIC WOULD GO BY THE CLERK'S DESK AND YOU WOULD NOT ENTER YOUR ROOM FROM OUTDOORS THROUGH AN EXTERIOR DOORWAY. THEN SOMETHING THAT'S COME UP IN THE LAST WEEK THAT NEITHER THE STAFF NOR THE PLANNING COMMISSION WAS AWARE OF, WE HAVE THREE ADJACENT PROPERTY OWNERS THAT HAVE IN WRITING STATING THAT THEY SUPPORT THE MOTEL USE ON THE SITE. I APOLOGIZE FOR THE GRAPHICS, BUT LIKE I SAID, IT WAS JUST THE LAST COUPLE OF DAYS THAT WE GOT THIS WRITTEN

CONCURRENCE FROM THE NEIGHBORHOOD MEMBERS THAT ARE ADJACENT TO THE SITE, THREE OF THEM, THAT THEY HAVE NO OBJECTION TO THE MOTEL USE THAT MR. POWERS WANTS TO PROPOSE THERE. AND THEN FINALLY, ONE LAST THING THAT I WANTED TO PRESENT TO YOU IS IN RESPONSE TO ANY CONCERNS THAT THIS HOTEL USE WOULD CAUSE INCREASED CRIME IN THE NEIGHBORHOOD. WE HAVE OR MR. POWERS HAS DONE SOME RESEARCH ON CRIME STATISTICS AND HAS FOUND THAT FOR THE AREA WHERE THE MOTEL IS PROPOSED, WHICH INCLUDES TWO AUTOMOBILE COURT STYLE MOTELS, THE AVERAGE CRIME RATE IS ACTUALLY LOWER THAN THE ENTIRE REST OF THE NORTHWEST AUSTIN AREA. SO WE BELIEVE THAT THE PROPOSED USE DOES NOT CAUSE AN INCREASE IN CRIME, WHICH IS ONE OF THE OBJECTIONS THAT'S BEEN STATED TO THE MOTEL USE. THEN I'D ALSO LIKE TO ADD THAT THERE ARE THREE RESTRICTIONS IN ADDITION TO THE TYPE OF MODERN MOTEL, NON-AUTO COURT MOTEL THAT'S BEING PROPOSED. MR. POWERS WOULD NOT PROPOSE TO PUT ANY DRIVEWAY ACCESS ON COUGHINGTON DRIVE, WHICH THIS PROPERTY IS ACTUALLY LOCATED ON A CORNER OF THE HIGHWAY ACCESS ROAD AND COULD HAVE TON -- COVINGTON DRIVE. HIS ACCESS WOULD ONLY BE ON THE HIGHWAY ACCESS ROAD. HE WOULD ALSO MAINTAIN THE EXISTING 25-FOOT GREENLY WUFER ZONE. [ BUZZER SOUNDS ] AND HE WOULD BUILD A MASONRY WALL IN THE REAR OF THE PROPERTY. THAT'S IT.

Mayor Wynn: THANK YOU, MR. MOORE. MR. POWERS SIGNED UP WISHING TO SPEAK. WOULD YOU LIKE TO ADDRESS US, PLEASE?

IF I MAY, I'D LIKE TO FINISH MY PART WITH A SUMMARY WHEN IT'S ALL PRETTY WELL FINISHED. AND RIGHT NOW I JUST RESPOND TO ANY OPPOSITION, IF THAT'S ALL RIGHT.

Mayor Wynn: FAIR ENOUGH. YOU AND MR. MOORE WILL HAVE A REBUTTAL AT THE END OF THE CASE. THANK YOU. COUNCIL, WE'LL NOW HEAR FROM FOLKS WISHING TO SPEAK IN OPPOSITION TO THE ZONING CASE. WAYNE TOBIAS, WHO I SAW EARLIER. WELCOME. AND LET'S SEE, IS HALL OR ALAN LANE, I GUESS IT IS, LAMB. OUR RULES, IF YOU REMEMBER, THEY HAVE TO BE PRESENT IN THE CHAMBERS TO DONATE

TIME.

I UNDERSTOOD. THEY HAD SOMETHING COME UP, THEY DID HAVE TO LEAVE AT 5:30. ,.

Mayor Wynn: YOU WILL HAVE THREE MINUTES AND PERHAPS COUNCIL MIGHT HAVE SOME QUESTIONS FOR YOU. WELCOME.

I SHOULD HAVE SOMEONE ELSE THERE ALSO ON MY LIST.

Mayor Wynn: I DON'T KNOW IT HERE, BUT SOMEBODY CAN WAVE THEIR HAND AND MAKE SURE --

(INDISCERNIBLE).

Mayor Wynn: YOU WILL HAVE UP TO NINE MINUTES IF YOU NEED IT, WAYNE.

MAYOR WYNN, COUNCILMEMBERS, THANK YOU FOR HEARING ME. I WOULD LIKE TO POINT OUT TWO THINGS. ONE OF THE NEIGHBORS THAT HAVE SIGNED AN AGREEMENT TO HAVE THIS ZONING CHANGE GO THROUGH AND BE A HOTEL IS A BUSINESS LOCATED ACROSS COVINGTON WHO IS RUNNING ILLEGALLY WITH -- HE IS ALSO GO AND HE'S RUNNING A USED CAR LOT. WE HAVE TURNED HIM INTO THE ZONING ENFORCEMENT. AND THE POLICE SEVERAL TIMES. HE PULLS OUT THE PARKED CAR LOT AND HE COMES BACK A FEW MONTHS LATER. FIRST OF ALL, I WANT TO SAY THAT'S SHADY. THE SECOND THING IS I'M PROUD TO SAY THAT ONE OF THE REASONS THIS AREA IS OR HAS GOOD POLICE OR GOOD -- LOW PROBLEMS WITH POLICE IS WE HAVE A VERY PROACTIVE NEIGHBORHOOD. SO WITH THAT SAID, I'LL SAVE YOU SOME TIME AND READ THE REST. OUR BOARD MET WITH MR. POWERS LAST JULY AFTER WE WERE NOTIFIED OF HIS REQUEST FOR A ZONING CHANGE. WE LEARNED HE HAD PURCHASED THE PROPERTY ABOUT 20 YEARS AGO, THEN LOST IT TO A BNG REPOSSESSION. HE PURCHASED IT AGAIN A FEW YEARS AGO BECAUSE THE BILLBOARD ON THE PROPERTY PROVIDED SOME INCOME. WHEN MR. POWERS PURCHASED THE PROPERTY, IT WAS ZONED G.O. MR. POWERS STATED HE WANTED TO BUILD A MOTEL OR A STORAGE FACILITY, AND COULD NOT UNDERSTAND OUR

OBJECTIONS. THE AUSTIN POLICE AND THE NEIGHBORHOOD SPENT THE LAST TWO YEARS CLEANING UP PROSTITUTES AND DRUGS FROM THE TWO MOTELS LOCATED NEXT DOOR TO THIS PROPERTY. HE MENTIONED ALREADY THE WALNUT CREEK. ANOTHER HUNDRED 100 YARDS DOWN THE STREET IS THE AUSTIN MOTOR INN. THE POLICE IN FACT ARE STILL CANVASSING THOSE MOTELS AT LEAST A COUPLE OF TIMES PER WEEK TO VERIFY THAT THE PEOPLE STAYING IN THEM ARE LEGITIMATE AND DON'T HAVE WARRANTS. THERE IS NO REASON FOR A THIRD HOTEL OR A GR BUSINESS THAT GENERATES ADDITIONAL CUT-THROUGH TRAFFIC AT THIS HOUR. A RECENT TRAFFIC STUDY IN THE NEIGHBORHOOD CONFIRMED WE ALREADY HAVE EXCESSIVE CUT-THROUGH TRAFFIC WITH OVER 800 VEHICLE TRIPS PER DAY COMING THROUGH OUR NEIGHBORHOOD. THIS LOCATION IS NOT CONDUCIVE TO BUSINESSES REQUIRING CLIENTELE UNFAMILIAR TO ITS ACCESS. FREEWAY EXITS FOR THIS PROPERTY ARE LOCATED OVER A MILE NORTH OR SOUTH OF THE PROPOSED FACILITY, LONG BEFORE ON-SITE ADVERTISERS CAN BE SEEN FROM THE FREEWAY. PATRONS ACCESSING FROM BRAKER MUST TRAVEL THROUGH NARROW NEIGHBORHOOD STREETS TO REACH THE PROPERTY. A BUSINESS WITH TRAFFIC ENTERING OR LEAVING THE PREMISES AT ALL HOURS OF THE DAY AND NIGHT WOULD DISTURB NEIGHBORHOOD RESIDENCES. CITY ZONING STANDARDS DO NOT PLACE GR ZONING AGAINST SINGLE-FAMILY HOMES FOR A REASON, ESPECIALLY ON PROPERTY THAT IS NOT DEEP ENOUGH TO OFFER A PROPER BUFFER. TWO YEARS AGO AS YOU HEARD, THE NEIGHBORHOOD WORKED WITH THE PROPERTY OWNER ALONG THE I-35 FRONTAGE. WE AGREED TO GR WITH MULTIPLE CONDITIONS AND THE COVENANT WITH THE OWNER DEVISED TO PROTECT THE ADJACENT NEIGHBORS. THE PROPERTY ALREADY HAD A BUILDING, THE BUSINESSES TO USE THE PROPERTY WAS AN INTERNATIONALLY ESTABLISHED EXAN THAT NEEDED THE PROPERTY MORE THAN OFFICE THAN A GR TYPE BUSINESS. IT WAS HERTZ. AT THE ZONING AND PLANNING MEETING FOR THE POWERS PROPERTY, THE CITY PLANNERS RECOMMENDED GR WITH THE SAME CONDITIONAL OVERLAY USED ON THE OTHER I-35 PROPERTY. THE PLANNING COMMISSIONERS CORRECTLY OTHERWISE ROIZED THE CONDITIONS BROUGHT TO ZONING

FOR LIMITED RETAIL. THE RECOMMENDATIONS WE HAVE TONIGHT. NOT TAKEN INTO CONSIDERATION WAS THIS PROPERTY IS UNDEVELOPED WITH AN UNKNOWN BUSINESS OWNER WHO WANTS TO IMPLEMENT A BUSINESS TYPE NOT COMPATIBLE WITH SINGLE-FAMILY HOMES. THE NEIGHBORHOOD RECOGNIZES THIS PROPERTY NEEDS TO BE DEVELOPED. THE RESTRICTIONS WE INCLUDED WERE INTENDED TO NOT ALLOW 24 OR LIGHT NIGHT, EARLY MORNING BUSINESSES AND SERVICE STATIONS. NEIGHBORS AGREE OFFICE BASED BUSINESSES AND SMALL SHOPS WOULD BE BENEFICIAL TO THE NEIGHBORHOOD. THIS PROPERTY IS IDEALLY LOCATED FOR OFFICES USED BY CONSULTANTS TO TCEQ LOCATED JUST A MILE UP THE ROAD. UNFORTUNATELY, IT LOOKS LIKE RECOMMENDATIONS FROM THE PLANNING COMMISSION DID NOT RESTRICT 24-HOUR USAGE SUCH AS CAN BE FOUND WITH CONSUMER CONVENIENCE SERVICES AND CONVENIENCE STORE GENERAL RETAIL SERVICES. THE NEIGHBORHOOD HAS SHOWN AND WE WILL WORK WITH A DEVELOPER ON A COVENANT IF NEEDED. IF WE ALLOW LR AS RECOMMENDED BY THE PLANNING COMMISSION TO GO THROUGH, WE LOSE ANY LEVERAGE FOR THAT COVENANT. PLEASE CONSIDER INCLUDING PROHIBITED USES OF CONVENIENCE SERVICES AND CONVENIENCE RETAIL SALES WHEN YOU CONSIDER THE COMMISSION'S RECOMMENDATIONS OR LEAVE THE ZONING G.O., WHICH IS WHAT IT IS CURRENTLY. LIMITED RETAIL BUSINESSES AND OFFICES ARE FINE AT THIS LOCATION PROVIDED THEY CAN OPERATE RESPONSIBLY AND RECOGNIZE THEY ARE PART OF A NEIGHBORHOOD. THANK YOU.

Mayor Wynn: THANK YOU, MR. TOBIAS. I SAW THE FOLKS -- THAT'S ALL THE FOLKS, COUNCIL, WISHING TO ADDRESS US ON THIS CASE, Z-8. SO MR. MOORE OR MR. POWERS, YOU NOW HAVE A THREE-MINUTE REBUTTAL IF YOU CARE TO TAKE IT.

MAYOR AND COUNCILMEMBERS, I'M GOING TO TRY TO JUST TALK FOR A MINUTE AND LET MR. POWERS HAVE A COUPLE OF MINUTES, BUT I WANTED TO REBUT A COUPLE OF THINGS THIS MR. TOBIAS SAID. HE DID STATE THE CONCERN ABOUT THE ACTIVITIES THAT THE OTHER -- AT THE OTHER MOTEL AND I WANTED TO JUST REITERATE -- I'M TALKING ABOUT

THE ACTIVITIES AT THE NEXT DOOR MOTEL, THAT THOSE ARE AUTO COURT MOTELS THAT DO -- ARE CONDUCIVE TO PEOPLE DOING THINGS IN THE PARKING LOT. THIS MOTEL WILL BE RESTRICTED TO A MODERN, CENTRAL ENTRANCEWAY, ALL THE DOORS ARE INDOORS, THEY ALL WALK BY THE CLERK. AND THEN SECONDLY, THE CONCERN ABOUT TRAFFIC IS REALLY IF YOU THINK ABOUT IT, THE PEOPLE THAT GO TO MOTELS AREN'T GOING TO DRIVE THROUGH A RESIDENTIAL NEIGHBORHOOD, THEY'RE GOING TO GET IN AND OUT OF THERE ON THE HIGHWAY AND THERE WON'T BE TRAFFIC IN MR. TOBIAS' NEIGHBORHOOD DUE TO A MOTEL THAT ON THE INTERSTATE HIGHWAY. THAT'S NOT REASONABLE. NOW, MR. POWERS --

I WAS UNABLE TO HEAR THE OBJECTIONS AND WHAT -- WOULD SOMEBODY PLEASE HELP ME ON THAT? I HAVE A PROBLEM WITH HEARING AND I DID NOT HEAR MR. TOBIAS' OBJECTIONS. ALL RIGHT. THIS -- MR. MOORE HAS COVERED THE SITUATION HERE. THIS HAS SUCH AN EXCELLENT SCREENING THAT PRIVACY IS NOT AN ISSUE. I BELIEVE THE ASSOCIATION SAYS THAT YOU SHOULDN'T HAVE MOTELS BACKED UP TO SINGLE-FAMILY RESIDENCES, SO I CHECKED THAT OUT ON THE INTERSTATE, AND I FOUND 30-SOMETHING -- FROM THE YELLOW PAGES LISTED FROM BRAKER LANE TO BEN WHITE, I FOUND 31 UNITS OR MOTELS ON THE INTERSTATE. OF THOSE, THREE-FOURTHS WERE BACKED UP TO RESIDENTIAL. TWO-THIRDS OF THOSE WERE SINGLE-FAMILY RESIDENCES. NOT ONE HAD ANY SCREENING WHATSOEVER COMPARED TO THIS. THE MAXIMUM SCREENING WAS A SIX-FOOT FENCE. AND I HAVE PICTURES OF ALL 22 OF THOSE IF COUNCIL WOULD CHOOSE TO SEE THEM, BUT PROBABLY THAT'S GOING TO BE TOO TIME CONSUMING, SO I THINK I CAN SUM IT UP A LITTLE QUICKER WITH FOUR OR FIVE PICTURES, IF I MAY.

Mayor Wynn: WHILE MR. POWERS LOOKS FOR HIS PHOTOGRAPHS, COUNCIL, ANY QUESTIONS, COMMENTS?

THE FIRST TWO PICTURES ARE TYPICAL OF WHAT I FOUND -- THIS FIRST PICTURE IS BEHIND MOTEL 6 IN THE 290 AREA. YOU SEE A SIX-FOOT FENCE. THIS IS THE CLARION OVER ON SOUTH I-35 CLOSE TO OLTORF. AGAIN, I'M ON THE SECOND STORY TAKING A PICTURE, AND YOU SEE ONLY A FENCE

BETWEEN THE MOTEL AND THE HOUSES. IT'S IMPORTANT TO KNOW THAT ALL THESE HOUSES WERE IN PLACE WHEN THE MOTELS WERE BUILT. THE HOUSES ARE OLDER THAN THE MOTELS. THIS ONE -- THIS ONE RIGHT HERE, THIS IS AT RUNDBERG LANE OR IN THE RUNDBERG AREA, AND I WANTED TO LOOK AT THIS -- NOTE, WHAT DO YOU CALL IT, CONCERTINA FENCE. I DON'T KNOW IF YOU CAN SEE IT OR NOT. IT'S A FENCE, BARBED WIRE, RAZOR TYPE FENCE ON TOP OF THE FENCE BEHIND THE MOTEL. AND THE ONLY QUESTION I HAD WAS WAS THAT TO KEEP THE GUESTS IN OR THE NEIGHBORS OUT? THE ASSOCIATION WOULD HAVE US BELIEVE THAT THE BAD GUYS ARE THE MOTEL AND THE GOOD GUYS ARE THE NEIGHBORHOOD. I THINK IT'S ALL ABOUT THE SAME. LET'S GO TO THE NEXT PICTURE. HERE'S ONE OF THE WORST SITUATIONS I FOUND, THAT IT WAS ON SOUTH I-35. THESE ARE DUPLEXES, AND THE BUILDING RIGHT HERE CLOSE TO IT. LOOK RIGHT DOWN ON THE DUPLEXES, IT'S ABSOLUTELY MINIMUM SEPARATION. THEY GO BACK TO OURS AND IT'S REALLY THE BEST OF ALL THESE MOTELS THAT I LOOKED AT OR IT WOULD BE.

Mayor Wynn: MR. POWERS, PLEASE CONCLUDE. YOUR TIME HAS EXPIRED.

AND THE NEXT PICTURE. WHAT THIS AMOUNTS TO, SINCE WE HAVE APPROVAL OF THE PEOPLE DIRECTLY BEHIND, WHAT THIS AMOUNTS TO IS THAT FOR THE OTHER NEIGHBORS IS TRAFFIC. AND IF YOU LOOK IN HERE, A PICTURE OF POLLYANNA AVENUE, WHICH IS THIS STREET PARALLEL AND WHERE THE HOMES THAT ARE BUILT THAT ARE BACKED UP TO OUR PROPERTY. YOU NOTICE IT'S A VERY NARROW STREET. THERE'S A SERVICE TRUCK THAT'S PARKED MOST OF THE TIME AT THE TOP OF THE HILL. IF TWO OF THE NEIGHBORS MEET WHERE THAT TRUCK IS, IT WOULD BE KIND OF MESSY.

Mayor Wynn: THANK YOU, MR. POWERS. COUNCIL, QUESTIONS, COMMENTS. THAT'S ALL THE SPEAKERS SIGNED UP FOR OR AGAINST THE CASE. COUNCILMEMBER ALVAREZ.

Alvarez: QUESTION FOR MR. TOBIAS. THE NOVEMBER NENT THE NEIGHBORHOOD -- THE COVENANT THE NEIGHBORHOOD SOUGHT WAS FOR WHAT SPECIFICALLY?

THE COVENANT THAT YOU SAID THAT YOU WERE INTERESTED IN OR THE NEIGHBORHOOD WAS INTERESTED IN?

WE ACTUALLY WROTE A COVENANT WITH THE PROPERTY OWNER AT -- I THINK IT WAS LIKE 1200 IH-35. IT PROTECTED THE NEIGHBORS FROM 24-HOUR BUSINESSES, EXCESSIVE LIGHT, EXCESSIVE NOISE, A CERTAIN SHED. THEY DIDN'T WANT TO HAVE ANY KIND OF A CLEANING OR REPAIR FACILITY LOCATED. LIKE I SAID, THIS WAS HERTZ. WE WEREN'T SURE WHAT WE WERE GETTING, SO WE WANTED TO COVER OURSELF BEFORE WE GOT THERE. WHAT IT TURNED OUT TO BE WAS, LIKE I SAID, IT WAS MORE OF AN OFFICE OR KIND OF AN ENTERPRISE TYPE THING. THE ONLY PEOPLE THAT REALLY GO THERE ARE THE HERTZ EMPLOYEES AND THEN THEY DRIVE THE CARS FROM THERE TO THE PEOPLE WHO WANT THE CARS. SO IT WAS COMPLETELY DIFFERENT FROM HAVING TOTAL STRANGERS MOVING THROUGH THE NEIGHBORHOOD.

Alvarez: SO THE INTEREST WOULD BE FOR A SIMILAR COVENANT, BUT THAT WOULD NOT ALLOW THE MOTEL USE, RIGHT?

THAT'S CORRECT. I THINK EVEN WITH THE MOMENT IN PLACE, IT'S VERY DIFFICULT. YOU SAW A PICTURE, A NARROW STREET. AND THE ONLY WAY FOR A PERSON COMING FROM BRAKER TO THE MOTEL WOULD BE GOING UP TO NARROW STREET. AND THE PERSON COMING NORTHBOUND ON 35 WOULD HAVE TO GET OFF AT BRAKER.  
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Alvarez: THANKS, MAYOR.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?  
COUNCILMEMBER MCCRACKEN.

McCracken: I GUESS FOR MR. MOORE. MR. MOORE, I WANT TO LEARN MORE ABOUT THE PROPOSAL FOR THE MOTEL, HOW TALL IT'S GOING TO BE, HOW MANY ROOMS, WHAT CHAIN?

I'D LIKE TO ANSWER THAT. MR. POWERS ACTUALLY KNOWS BETTER THAN I. IS IT A THREE-STORY OR A TWO-STORY

BUILDING THAT YOU ENVISION?

THE LIMITATIONS ARE TWO-STORY AND 25-FEET BACK AND GOES TO THREE-STORIES 50 FEET BACK. WE WOULD CERTAINLY HAVE TO EXPECT TO OBSERVE THOSE. AND THE PICTURES ARE NOT WHAT I SHOWED YOU, BUT IT'S TO SHOW YOU THAT IT'S A CORNER TYPE MOTEL, MEANING THAT THERE'S NO OUTSIDE ENTRANCE EXCEPT A FRONT DESK AND A BACK DOOR WITH A PROGRAM CARD, ALL ACTIVITIES ARE INSIDE, NOBODY IS RUNNING TO THE ICE MAKER OR THE SNACK MACHINE OR THEIR CAR OR THE FRONT OFFICE. IT'S ALL ENCLOSED AND THE SECURITY IS EXCELLENT WITH THE SURVEILLANCE CAMERAS, THE MOTEL PERSONNEL CAN DEFINITELY TELL IF ANYTHING UNUSUAL IS GOING ON, AND CAN SCWEL MUCHSQUELCH IN A HURRY. THE NEIGHBORS I TALKED TO BEHIND ME CERTAINLY DO NOT WANT THE TRAFFIC THAT AN OFFICE WILL CREATE. AND THAT'S -- THAT WAS THE DECIDING FACTOR. YOU MUST REMEMBER THAT MOTELS ARE TRAFFIC THAT COME IN GRADUALLY IN THE EVENING. AND IN THE MORNING IT'S DEPARTURE FROM FIVE TO 11 WHEN CHECK OUTTIME COMES. AND THEREFORE THERE'S NOT ANYTHING LIKE THE THREAT OF A RUSH HOUR TRAFFIC FROM A MOTEL SUCH AS -- I SAY MOTEL. I MEAN AS AN OFFICE SUCH AS THIS. THIS OFFICE COULD VERY WELL BE BUILT ON THIS PROPERTY BECAUSE I CHECKED THE SIZE AND LENGTH OF IT. IT'S ONE OF THE MORE CONVENTIONALAL POSSIBILITIES AS AN OFFICE. I COULD HAVE BROUGHT YOU PICTURES OF AUSTIN ALL GLASS DEAL, BUT REMEMBER, THERE'S HUNDREDS OF EYES LOOKING TOWARDS THE BACK. WITH THE QUARTER TYPE MOTEL THERE ARE ZERO, NONE.

Mayor Wynn: THANK YOU, MR. POWERS.

McCracken: WHICH CHAIN IS IT?

WE DON'T HAVE AN END USER YET AND WE DON'T HAVE A FINISHED SITE PLAN YET, BUT WE DO HAVE A PICTURE OF WHAT THIS FACILITY WOULD LOOK LIKE. NUMBER 33, FRED. IF YOU CAN SHOW PICTURE NUMBER 33, THAT'S THE TYPE. THIS PICTURE WILL SHOW YOU WHAT TYPE OF HOTEL IS BEING PROPOSED. WE DON'T HAVE AN END USER, BUT -- AND MR. POWERS' RESEARCH, HE'S FOUND THAT IN THE LAST 20

YEARS THERE'S NOT BEEN AN AUTOMOBILE COURT STYLE HOTEL BUILT IN AUSTIN, THEY'VE ALL BEEN THIS CORRIDOR STYLE WHERE ALL THE GUESTS ENTER AND EXIT THROUGH ONE DOORWAY AND GO TO THEIR ROOMS WITH A CARD ENTRY IN A CENTRAL HALLWAY. AND YES, IT CAN BE A TWO OR THREE-STORY BUILDING, BUT IT HAS A CENTRAL ENTRANCEWAY FROM THE STREET THAT ALL THE GUESTS HAVE TO USE. THIS IS THE BEST INFORMATION WE HAVE TODAY.

Mayor Wynn: THANK YOU, MR. MOORE.

McCracken: I JUST HAVE ONE MORE QUESTION FOR MR. TOBIAS. COULD YOU GIVE US A LITTLE BACKGROUND. BECAUSE IT IS KIND OF A TOUGH CASE, BUT ABOUT THE -- I GUESS THE CONCERNS THAT YOU ALL HAVE ABOUT THE MOTEL AND COMPARED TO YOUR OFFICE BASED ON WHAT WE JUST HEARD FROM MR. POWERS?

AS MUCH AS WE'D LIKE TO SAY YES, AN INDOOR MOTEL WOULD BE BETTER THAN WHAT'S THERE, LIKE I BROUGHT UP IN MY DISCUSSION, IN ORDER FOR A PERSON TO GET TO THAT MOTEL, THEY HAVE TO KNOW IT'S THERE. I THINK THAT ONE OF THE REASONS THE TWO MOTELS THAT ARE CURRENTLY -- BY THE WAY, THEY WERE GRANDFATHERED IN, THAT'S WHY THEY EXIST. THEY'VE BEEN THERE SINCE BEFORE THIS PART OF THE NEIGHBORHOOD WAS -- THIS PART OF THE CITY WAS ANNEXED. THE TWO MOTELS THAT ARE ALREADY THERE ARE IN THE POSITION THAT THEY ARE BECAUSE IT IS DIFFICULT TO BRING PEOPLE IN. THE MOTEL, AUSTIN MOTOR INN, HAS 48 ROOMS. I TALKED WITH THE MANAGER THE OTHER DAY. THEY HAVE 48 ROOMS. 36 OF THOSE ARE ONE WEEK OR LONGER, MORE PERMANENT. THE OTHER 12 ROOMS ARE KEPT OPEN SO THEY CAN MAINTAIN THE STATUS OF A MOTEL. THE WALNUT INN OR WHATEVER IT IS, I'M SORRY, HAS A FEW -- YOU CAN DRIVE BY AT ANY GIVEN TIME OF DAY OR TIME OF THE WEEK, IT'S GOT VERY FEW CARS IN IT, EXCEPT FOR THE WEEKEND. USUALLY IT IS PEOPLE COMING IN, THEY ARE NEIGHBORS FROM THE NEIGHBORHOOD OR RELATIVES TO THE NEIGHBORHOOD AND THAT'S WHO STAYS THERE. MY CONCERN IS THIS HOTEL, EVEN IF IT'S A VERY NICE HOTEL, I THINK EVENTUALLY IT'S GOING TO BECOME ANOTHER ITEM JUST

LIKE THE OTHER TWO THAT ARE JUST LIKE THE STREET. CONSIDER ALSO THAT IN ORDER FOR A PERSON TO GET TO THIS HOTEL, IF YOU PASS IT, HE SAYS THE ADVERTISING, GOES A MILE DOWN THE ROAD AND TURNS AROUND, HE'S PASSING TWO MORE MOTELS OF EQUAL OR LESSER VALUE THAN WHAT MR. POWERS IS GOING TO SPEND. IF THEY GO NORTHBOUND AND PASS IT, AGAIN, THEY WILL PASS TWO MORE HOTELS BEFORE THEY CAN COME BACK DOWN THE STREET. THEY'RE GOING TO BE GOING OUT OF THEIR WAY TO SEE THESE HOTELS. I'M AFRAID THAT THIS HOTEL WOULD BECOME ANOTHER HIGH SORE AND ANOTHER HAVEN FOR PEOPLE WE REALLY DON'T NEED TOO CLOSE TO THE NEIGHBORHOOD. THANK YOU.

Mayor Wynn: MR. GUERNSEY, A QUESTION FOR YOU? SO IF I READ THIS CORRECTLY, THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS FOR LR WITH CONDITIONAL OVERLAY. REMIND ME THE USES -- BROADLY THE MAJOR USES MOST PEOPLE WOULD ASSOCIATE WITH LR AND WHAT WERE THE CONDITIONS THAT THE ZONING AND PLATTING COMMISSION BROUGHT FORWARD?

THE TYPICAL LR USES, AND LR IS NEIGHBORHOOD COMMERCIAL. AND THOSE WOULD ALLOW FOR A SERVICE STATION, WOULD ALLOW FOOD SALES THAT COULD BE SOMETHING FROM A CONVENIENCE STORE TO A GROCERY STORE. IT WOULD ALLOW PERSONAL SERVICES THAT COULD INCLUDE LIKE A HAIR SALON OR DRY CLEANER PICKUP. LR ALSO ALLOWS WITH CONDITIONS WHEN IT BACKS UP TO THE RESIDENTIAL RESTAURANTS THAT DO NOT SERVE ALCOHOL, LIKE A SMALL FAST FOOD RESTAURANT. AND THOSE ARE THE TYPICAL USES THAT YOU WOULD SEE. THE LR DISTRICT DOES NOT ALLOW A HOTEL, IT DOES NOT ALLOW AUTO RELATED USES OR RESTAURANTS THAT SERVE ALCOHOL.

Mayor Wynn: AND THE CONDITIONS OF C.O.?

THE CONDITIONS OF THE C.O., THEY SAID THERE'S A 2,000 VEHICLE TRIP LIMIT. THAT THERE'S NO DRIVE-THROUGH SERVICE, SO THERE WOULD BE NO DRIVE-THROUGH WINDOW TO PROVIDE SERVICE TO. THEY SAID ALSO TO PROHIBIT SERVICE STATIONS. AND THEN LISTED SOME ADDITIONAL USES THAT THEY SAW THAT THEY WOULD

RECOMMEND TO BE PROHIBITED WHICH ARE LISTED IN YOUR BACKUP, COLLEGE, UNIVERSITY USES, COMMUNITY RECREATION, CONGREGATE LIVING, RESIDENTIAL TREATMENT, FINANCIAL SERVICES, WHICH WOULD INCLUDE A BADGE. GUIDANCE SERVICES, PRINTING, PUBLISHING, PRIVATE SECONDARY EDUCATIONAL FACILITIES, HOSPITAL LIMITED, AND OFF SITE ACCESSORY PARKING. THAT'S WHAT THE ZONING AND PLATTING COMMISSION RECOMMENDED.

Mayor Wynn: THANK YOU, MR. GUERNSEY. FURTHER QUESTIONS, COMMENTS? COUNCILMEMBER MCCRACKEN.

McCracken: MR. GUERNSEY,, GREG, IN LOOKING AT THE COMPARISON OF THE GR STAFF RECOMMENDATION AND THEN THE LR ZAP RECOMMENDATION, I SEE THE STAFF RECOMMENDS NO HOTEL-MOTEL ON THIS SITE. CAN YOU GIVE US SOME BACKGROUND ON STAFF'S THINKING THERE.

STAFF LOOKED CLOSELY AT A CASE THAT OCCURRED ON POLLYANNA AND IT'S JUST TO THE NORTH. THERE'S ABOUT THREE CITY BLOCKS ROUGHLY MAYBE TO THE NORTH. YOU HAVE THE SAME SITUATION WHERE YOU HAVE SINGLE-FAMILY HOMES THAT ARE BACKING UP TO A COMMERCIAL TRACT. IN THAT CASE THEY ASKED FOR GR ZONING FOR THE RENTAL CAR AGENCY THAT IS THE SAME TYPE OF ZONING THAT'S REQUESTED IN THIS CASE. THERE WERE NUMEROUS LEGAL NONCONFORMING USES THAT EXISTED PRIOR TO THE CITY BEING OUT THERE, BUT FOR THE MOST PART THE PROPERTY ALONG THAT STRETCH WAS ZONED LIMITED OFFICE, LO ZONING. AND THEN AS YOU TRAVEL FURTHER DOWN 35, YOU SEE MORE OFFICE. ACROSS THE STREET FROM THIS PARTICULAR PROPERTY IS LR ZONING, WHICH WAS MENTIONED AS I GUESS AS THE ILLEGAL AUTO SALES, AND THEN GOING SOUTH OF THE PROPERTY YOU INCUR MORE GENERAL OFFICE AND LO ZONING WITH ONE WAREHOUSE TRACT ZONED CS AND THEN GOING BACK INTO OFFICE. SO THE PREDOMINANT TYPE OF ZONING THAT YOU HAVE ALONG THIS STRETCH OF I-35 IS OFFICE TYPE OF ZONING WHERE SOME USES HAVE BEEN PHASED OUT. AND WITH THE NEW USE THAT CAME IN IN 2004, STAFF RECOMMENDED CONDITIONS THAT WERE ACTUALLY SIMILAR OR THE SAME AS WHAT THE COUNCIL APPROVED. AND TO PLAT THOSE SAME CONDITIONS TO THIS PROPERTY

BECAUSE THE CONDITIONS ARE THE SAME, IT BACKS UP TO SF-1 ZONING AND IT HAS LIMITED OFFICE TO THE FRONTAGE ROAD. >>

McCracken: I'M A LITTLE MORE COMFORTABLE WITH THE STAFF RECOMMENDATION THAN THE ZAP RELIGIOUS. I MEAN, LOOK AT THE GOOGLE, THE VISUAL MAPS AND THIS SITE IS RIGHT ON TOP OF THE NEIGHBORHOOD. AND I THINK ANYBODY WOULD BE PRETTY UNHAPPY ABOUT HAVING A PRETTY EXTENSIVE MOTEL-HOTEL OPERATION ON THE OTHER SIDE OF YOUR FENCE. SO IT LOOKS LIKE THE STAFF RECOMMENDATION IS A LOT MORE COMPATIBLE WITH THIS NEIGHBORHOOD.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION. THAT WOULD INCLUDE CLOSING THE PUBLIC HEARING.

McCracken: MAYOR, I'LL MOVE TO CLOSE THE PUBLIC HEARING AND APPROVE THE STAFF RECOMMENDATION. FOR FIRST READING ONLY?

THAT'S CORRECT.

Mayor Wynn: ONE MORE TIME, THE STAFF RECOMMENDATION IS?

IS FOR GR-CO WITH A 2,000 TRIP LIMIT AND THEN THERE ARE A LIST OF PROHIBITED USES.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER ALVAREZ TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY STAFF RECOMMENDATION OF GR-CO WITH A LIST OF CONDITIONS. FURTHER COMMENTS? >>

Thomas: ONE QUESTION, MAYOR. WHAT'S ON THE PROPERTY NOW, A HOTEL DOWN THERE?

NO. THE PROPERTY RIGHT NOW IS UNDEVELOPED.

Thomas: IT'S UNDEVELOPED. NOTHING ON THE LOT.

THERE'S BAMBOO, AS MENTIONED, IN THE BACK. AND THERE ARE USES TO THE NORTH AND SOUTH OF THIS PROPERTY.

Thomas: I JUST GOT MIXED UP WITH MR. POWERS' PICTURES. THANK YOU.

Mayor Wynn: MOTION AND A SECOND ON THE TABLE. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON FIRST READING ONLY ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL.

MAYOR, COUNCIL, THAT TAKES US TO OUR NEXT ITEM, ITEM NUMBER Z-9, THIS IS ZONING CASE C-14--05-0201. THIS IS A PARKER LANE, 2100 PARKER LANE. THIS IS FROM SF-3 TO SF-6. THE PLANNING COMMISSION FORWARDED THIS CASE TO YOU WITHOUT A RECOMMENDATION. THEY ACTUALLY MADE SEVERAL RECOMMENDATIONS. ONE TO APPROVE THE REQUEST LIMITING THE PROPERTY, SF-6 ZONING, LIMITING THE PROPERTY TO 20 UNITS AND 12 BUILDINGS. THAT FAILED ON A FOUR TO FOUR VOTE. THEY THEN CONSIDERED ALSO A POSTPONEMENT OF THE CASE AT THE PLANNING COMMISSION, AND THAT ENDED UP WITH A 4-4 VOTE. SO THIS CASE IS BEING BROUGHT TO YOU WITHOUT A FORMAL RECOMMENDATION OF THE PLANNING COMMISSION. THE APPLICANT DID REQUEST SF-6 ZONING. THE STAFF RECOMMENDED THE SF-6 ZONING AND THE PROPERTY IS APPROXIMATELY 2.125 ACRES OF LAND. THE OWNER IS MR. JIM CUMMINGS AND THE AGENT IS URBAN DESIGN GROUP. THE PROPERTY IS LOCATED AT THE CORNER OF WIND OAK AND PARKER, AND TO THE WEST OF THE PROPERTY IS A VACANT SF-3 AND MF-4 LAND. IMMEDIATELY TO THE NORTH IS SF-3 AND SINGLE-FAMILY HOMES. TO THE EAST IS A CHURCH PROPERTY ZONED SF-3 AND TO THE SOUTH ARE APARTMENTS THAT HAVE -- ARE ZONED MF-3 AND THE MAJORITY OF THE APARTMENT PROPERTY IS ZONED LR. THERE IS OPPOSITION TO THIS REZONING CASE THAT TAKES THE FORM ALSO OF A VALID PETITION THAT STAFF RECENTLY VERIFIED AT 20.88 PERCENT. MAINLY BY THE PROPERTY OWNERS THAT ARE TO THE NORTH OF WIND OAK THAT ARE OPPOSED TO THE REZONING REQUEST. THE SITE

ALSO LIES WITHIN THE RIVERSIDE NEIGHBORHOOD PLANNING AREA, WHICH IS CURRENTLY UNDERWAY. IT WILL GO TO THE PLANNING COMMISSION IN MARCH AND PROBABLY WILL NOT GET TO YOU UNTIL APRIL. THE SITE HAS NOT BEEN DISCUSSED AS PART OF THE NEIGHBORHOOD PLANNING PROCESS AND THE REQUEST WAS NOT INCLUDED IN THE ORIGINAL OCTOBER 25TH PRESENTATION. I WANT TO POINT OUT, THOUGH, THAT SINCE THAT TIME PROPERTY OWNERS HAVE BEEN DISCUSSING THE PROJECT WITH REPRESENTATIVES OF THE NEIGHBORHOOD AND THE NEIGHBORHOOD PLANNING TEAM. THERE IS A HOUSE ON THE PROPERTY WHICH IS A PRETTY SIGNIFICANT STRUCTURE. IT'S NOT CONSIDERED AN HISTORIC STRUCTURE BY PRESERVATION OFFICER. IT WAS BUILT IN THE '60S. YOU MAY HAVE ACTUALLY SEEN A STATESMAN ARTICLE ABOUT THE HOUSE. IT'S A MANSION TYPE HOUSE. A DEMOLITION PERMIT HAS BEEN ISSUED FOR THIS STRUCTURE. IF YOU HAVE ANY QUESTIONS, I'D BE MORE THAN HAPPY TO ANSWER THEM AT THIS TIME, AND THAT CONCLUDES MY PRESENTATION.

Mayor Wynn: THANK YOU, MR. GUERNSEY. QUESTIONS OF STAFF, COUNCIL. IF NOT, WE'LL TAKE UP THE PUBLIC HEARING. WE'LL START WITH A FIVE-MINUTE PRESENTATION BY THE OWNER, APPLICANT, AGENT. WELCOME MS. TOOPZ. YOU WILL HAVE FIVE MINUTES AND WE'LL THEN HEAR FROM FOLKS WHO SUPPORT THE ZONING CASE, THOSE FOLKS IN OPPOSITION AND THEN MS. TOOPS YOU WILL HAVE TIME FOR REBUTTAL.

THANK YOU, MAYOR AND COUNCIL. STEWART SAMPLELY IS SIGNED UP IN FAVOR AND WE WERE GOING TO SHARE OUR COMBINED TIMES, IF I CAN. WHAT I'D LIKE TO DO IS START -- THIS IS ANOTHER OVERALL MAP, BUT I THINK IT'S A LITTLE CLEARER THAN THE ONE THAT YOU JUST SAW. WHAT YOU SEE HERE OUTLINED IN THE SOLID YELLOW IS THE ZONING CASE THAT IS BEFORE YOU. THE APPLICANT ALSO OWNS THE AREA IN THE DASHED LINE, AND THAT'S TWO SINGLE-FAMILY LOTS AND ANOTHER LOT THAT CONTAINS A POND ON IT, A MAN-MADE POND THAT'S BEEN ON THERE FOR MANY YEARS. AS YOU CAN SEE AS FAR AS COMPATIBILITY, WE OF COURSE ARE IN AGREEMENT WITH THE STAFF RELIGIOUS. WE HAVE -- THE STAFF RECOMMENDATION. WE HAVE THE

TWO CHURCHES, CROSS PARKER APARTMENTS. WE BACK UP TO PROPERTIES ALONG I-35 AND ACROSS THE STREET IS THE SF-3 ZONING. THE REQUEST IS FOR SF-6, AND I THINK -- AS OUR PRESENTATION UNFOLDS, WE WILL ARE A PRESENTATION ABOUT ALL THE PLANNING THAT WENT INTO THIS. BUT SF-6 ALLOWS US A LOT MORE FLEXIBILITY WITH THE PROPERTY. WE HAVE MET WITH THE NEIGHBORHOOD ASSOCIATION. UNFORTUNATELY, THEY ARE STILL IN OPPOSITION, BUT BASICALLY THEIR CONCERNS, IF I CAN MAYBE SUMMARIZE THEM FOR YOU, ARE THE LOCATION OF THE UNITS AND TREES, DENSITY AND HEIGHT, BUFFER FROM THE NEIGHBORHOOD, FENCE, DRIVEWAY LOCATIONS, FLOODING, A PERFORMANCE BOND AND ASKING THAT NO VARIANCES BE GRANTED.

THE FIRST SIX OF THOSE ARE HANDLED BY THE SITE PLAN PROCESS, WHICH IS PART OF THE SF-6 ZONING. UNDER SF-3 THERE IS NO SITE PLAN PROCESS, SO OUR POSITION IS THERE'S NOT A NEED FOR A RESTRICTIVE COVENANT OR AN OVERLAY BECAUSE THOSE SPECIFICS ARE ADDRESSED THROUGH THE CITY SITE PLAN PROCESS WHICH LOOKS AT TREE PROTECTION, DRIVEWAY LOCATIONS, FLOODING, ENGINEERING AND SUCH. WANTING US TO POST A PERFORMANCE BOND IS SOMETHING THAT WE DO NOT AGREE WITH AND IT'S NEVER BEEN TOTALLY CLEAR WHAT THAT WOULD DO, BUT WE'RE NOT IN AGREEMENT WITH THAT. AND WE AREN'T ANTICIPATING ANY VARIANCES, BUT AGAIN, IT WAS NOT SOMETHING THAT WE WANTED TO AGREE WITH AT THIS TIME. SO AT THIS POINT WHAT I'D LIKE TO DO IS LET STEWART SAMPLELY WITH SINCLAIR BLACK'S OFFICE COME UP AND TALK ABOUT THE EXTENSIVE PLANNING THAT WENT INTO THIS REQUEST THAT'S HERE BEFORE YOU TODAY.

Mayor Wynn: THANK YOU. IS MICHAEL HAMILTON HERE?  
MICHAEL WAS WILLING TO DONATE HIS TIME TO YOU,  
STEWART, SO YOU WILL HAVE AN ADDITIONAL SIX MINUTES --  
SIX MORE MINUTES IF YOU NEED IT.

I'M JUST PREPARING THE POWERPOINT.

GOOD EVENING, MAYOR, COUNCILMEMBERS, I'VE PREPARED  
A PRESENTATION FOR YOU THAT DETAILS THE PLANNING

THAT WE'VE GONE THROUGH. YOU CAN SEE HERE IN THIS IMAGE THE SUBJECT PROPERTY THAT WE'RE TALKING ABOUT AND ITS RELATIONSHIP TO I-35 AND DOWNTOWN. THE EXISTING CONDITIONS OF THE SITE AS YOU CAN SEE THAT THERE'S ONE HOUSE ON 2.125 ACRES. THERE'S A DIAGRAM AND AERIAL THERE THAT SHOWS THIS. THESE ARE SOME IMAGES OF THE HOUSE FOR THOSE OF YOU THAT HAVE NOT BEEN TO IT BEFORE. SOME RELATIVELY MAGNIFICENT TREES. THESE ARE SOME IMAGES. THIS IS AN IMAGE FROM THE BACK OF THE SITE. AFTER THE -- THE MANSION WAS BUILT INSIDE OF THESE OLD TREES, AND VERY CLOSE TO THE HOUSE YOU CAN SEE SOME OF THESE IMAGES HERE. AND THE TREES HAVE (INDISCERNIBLE) VERY WELL. AND WHEN MICHAEL CAME TO US, WHAT WE TALKED ABOUT WAS HOW CAN YOU CREATE A PLAN THAT MAINTAINS THE SENSE OF PLACE AND ESTABLISHES A NEIGHBORHOOD RELATIONSHIP AND PROTECTS THE TREES? THIS IS NOT THE SOLUTION. IT'S DIVIDING THIS LOT INTO 50-FOOT LOTS. IT REALLY DESTROYS A SENSE OF PLACE. IT REALLY DOESN'T CREATE A NEIGHBORHOOD CONNECTION. IT PUTS THE DRIVEWAYS ALL OVER WIND OAK. SO WHAT WE DID WAS WE CREATED A PLAN. THAT PUT 12 BUILDINGS ON FOUR TRACTS. HOWEVER, WHAT WE'RE TALKING ABOUT TODAY, THE ZONING ONLY INCLUDES THE TRACT THAT IS HIGHLIGHTED. IT DOES NOT INCLUDE THE OTHER THREE TRACTS. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] HOW THE PLAN CURRENTLY WORKS UNDER SF 3 ZONING, THE CURRENT ZONING. THIS PLAN, THE IDENTICAL PLAN CAN BE SUBDIVIDED WITHOUT ANY VARIANCES. ONCE THE LOTS ARE SUBDIVIDED THE DEVELOPMENT IS EXEMPT FROM THE SITE PLAN PROCESS. ALL OF THE UTILITIES MUST BE PROVIDED TO EACH LOT SEPARATELY. THERE'S LESS FLEXIBILITY AROUND THE EXISTING TREE ROOTS, THERE'S OVER 200 FEET OF THE STREET THAT HAS TO BE DUG UP TO -- [INDISCERNIBLE] VISUALLY THE PROPOSED PLAN WILL BE IDENTICAL SF 3 OR SF 6. I'M A LITTLE SHORT IDEA ABOUT THE FACTS. THE DEVELOPERS HAS BEEN IN CONSTANT COMMUNICATION WITH THE DEVELOPER SINCE JULY OF LAST YEAR. BEFORE HE EVEN PURCHASED THE PROPERTY. HE REQUESTED THAT THE SF 6 CHANGE THAT WAS SUPPORTED BY STAFF BE INCLUDED IN THE NEIGHBORHOOD PLAN IN SEPTEMBER. THE NEIGHBORHOOD PLAN WAS

DELAYED IN OCTOBER AND THE DEVELOPER FILED A SEPARATE ZONING REQUEST PER STAFF'S RECOMMENDATION. THE DEVELOPER PRESENTED THIS CONCEPT PLAN IN JANUARY AND THE PLANNING COMMISSION TOOK NO ACTION IN FEBRUARY, STAFF RECOMMENDS THE ZONING CHANGE, THE CITY ARBORRIST SUPPORTS THE SF 6 APPROACH FOR THE TREES. AND THE HOUSE IS CURRENTLY UNDER DEMOLITION AS WE SPEAK. WE PROVIDE A SENSIBLE AND COMPATIBLE PLAN, WE ASK FOR YOUR SUPPORT. THAT CONCLUDES MY PRESENTATION. AND IF YOU HAVE ANY QUESTIONS -- THIS IS THE SF 6 SITE PLAN.

Mayor Wynn: THANK YOU. QUESTIONS OF THE ARCHITECT, COUNCIL?

IF OUR TIME ISN'T UP YET, IF I COULD HIGHLIGHT A COUPLE OF OTHER ITEMS.

Mayor Wynn: STILL [INDISCERNIBLE] MINUTES LEFT. YES, MA'AM.

IS THE -- THE TREES HAVE BEEN A REAL STRONG TOPIC THROUGHOUT THE PROCESS, SO WHAT -- WHAT THE APPLICANT DID WAS HAVE -- HAVE THE CITY ARBORRIST COME OUT TO THE SITE TO LOOK AT THE EXISTING TREES. MIKE LOOKED AT THE TWO PLANS AND HAS STATED, AND HE CAME -- WE INVITED HIM TO A NEIGHBORHOOD MEETING THAT WE HAD WITH THE NEIGHBORHOOD ASSOCIATION, HE HAS STATED THAT THE SF 6 PLAN IS SUPERIOR IN PROTECTING THE TREES. OF COURSE HE ALSO UNDERSTANDS THAT WE COME THROUGH THEIR PROCESS WHERE WE HAVE TO PROVE WE ARE NOT COMPROMISING TOO MUCH OF THE ROOT SYSTEM. THIS IS A COMPREHENSIVE PLAN. A LOT OF DETAIL HAS GONE INTO IT. THE TREES ON THE PLAN ARE THE SURVEYED TREES. THERE WILL BE A LOT MORE DETAIL THAT GOES BEFORE WE GO TO SITE PLAN TO CREATE THE ENGINEERING DOCUMENTS FOR ALL OF THE DRAINAGE, FOR WATER QUALITY, AND FOR TREE PROTECTION. BUT ENOUGH WORK HAS BEEN DONE AT THIS TIME BY THE ARCHITECTS THAT WE FEEL CONFIDENT THAT WE CAN ACCOMPLISH THIS PLAN UNDER EITHER SCENARIO. BUT THE SF 6 DOES GIVE US GREATER FLEXIBILITY ONCE WE

ENTER THE SITE BECAUSE BY LAW YOU HAVE TO SERVE EACH INDIVIDUAL SF 3 LOT WITH THE UTILITIES. SO -- I JUST WANTED TO ADD THOSE POINTS.

THANK YOU, MS. STOOPS, COUNCILMEMBER LEFFINGWELL?

Leffingwell: YOU SAID THAT THE -- THAT THE DEMOLITION PROCESS IS ALREADY UNDERWAY. YOU ARE TAKING THE HOUSE DOWN.

YES, SIR. I THINK THAT WAS PULLED IN JANUARY.

Leffingwell: THE -- THE HOUSE I WENT OUT AND SAW IT ACTUALLY IS SURROUNDED WITH PROTECTED CLASS OAK TREES. ARE ALL OF THOSE OAK TREES PROTECTED CLASS GOING TO BE SAVED DURING THE DEMOLITION PROCESS?

YES, SIR. WE'VE HAD THE ARBORRIST EVEN COME OUT TO HELP ADVISE US DURING THE DEMOLITION. AS YOU SAW FROM THE PHOTOGRAPHS THAT EXISTING HOUSE WAS BUILT VERY, VERY CLOSE TO THE EXISTING TREES. THE TREES OF HUNDREDS OF YEARS OLD, AT LEAST 100 YEARS OLD. YES, WE FULLY INTEND THE PLAN THAT WE ARE SHOWING YOU PROTECTS ALL OF THOSE TREES. HE'S TELLING ME IT'S SLAB RATHER THAN A PIER AND BEAM SO WE ARE GOING THROUGH GREAT -- GREAT CONCERN AND I GUESS ARBORRIST ADVISED US AS WELL AS THE TREE CONSULTANTS THAT THE APPLICANT IS WORKING ON TO PROTECT THAT TREEVMENT ACTUALLY THIS PLAN AND STUART CAN PROBABLY ADD IT EVEN PROPOSES A BUILT, WE HAVE TO ACTUALLY LOCATE A BUILDING SIMILAR TO WHERE THE EXISTING HOUSE IS TO HELP SUPPORT THEM, AM I RIGHT, STUART? BECAUSE IT'S SORT OF GROWN INTO ITS OWN WITH THAT SUPPORT FROM THE EXISTING BUILDING. I KNOW THAT TREE PROTECTION PLAN AND YOUR -- THAT WILL BE DONE AT THE SITE PLAN STAGE AND APPROVED BUT ON -- AT THIS POINT THE ZONING IS ALREADY DONE, WE NEVER GET TO SEE IT AGAIN HERE. SO I WONDER WHAT KIND OF ASSURANCE YOU COULD GIVE US THAT THOSE -- THOSE OLDER PROTECTED CLASS TREES WOULD REMAIN AND BE UNDISTURBED BY THE DEVELOPMENT THAT YOU PROPOSE. IS THERE ANYTHING

THAT YOU CAN SUGGEST, SIR?

WELL --

YEAH, STUART CAN ADDRESS THAT.

ON MONDAY, I KNOW THAT MIKE PLANS TO COME OUT TO THE SITE AND TO WORK WITH THE DEMOLITION CONTRACTOR. TO -- TO PROTECT THOSE TREES AT THAT POINT AND PROVIDE -- PROVIDE DEMOLITION CONTRACTOR WITH THE OWNER WITH THE WAYS TO -- TO TAKE APART THE HOUSE IN PIECES TO BE ABLE TO PROTECT THOSE TREES. SO THAT ONCE THE HOUSE GETS PULLED BACK -- ONE OF THE THINGS, OUR CONCERN IS THAT YOU COULD SEE SOME OF THE IMAGE THAT'S I SHOWED. THE HOUSE -- WHEN THE HOUSE WAS BUILT, HE BASICALLY CUT ALL OF THOSE TREE ROOTS, NESTLED THIS HOUSE ON THE TOP OF THE HILL. WHAT WE ARE TRYING TO DO IS PUT ANOTHER HOUSE -- LET ME GO BACK. THE HOUSE IS -- THE SLAB IS DESTROYED. THE HOUSE IS ONE OF THE REASONS THAT IT'S BEING DEMOLISHED, THE REASON THAT THE PROPERTY WAS SOLD TO THE CURRENT OWNER IS BECAUSE THE HOUSE CAN'T BE REPAIRED. [BUZZER SOUNDING] WHAT WE ARE DOING IS TAKING APART THE HOUSE PIECE BY PIECE, PUTTING ANOTHER HOUSE IN ITS PLACE TO MAKE SURE THAT IF YOU REMOVED THAT SLAB THAT TREE WOULD FALL OVER.

Leffingwell: I UNDERSTAND THAT. MY QUESTION IS, IS THERE SOME LEGAL INSTRUMENT THAT WE CAN PUT IN PLACE IN CONNECTION, MAYBE MR. GUERNSEY WOULD BE BETTER TO ANSWER THIS ACTUALLY. SOME -- SOME LEGAL INSTRUMENT, RESTRICTIVE COVENANT, ET CETERA, CONDITIONAL OVERLAY, TO -- TO ENSURE THAT -- THAT THE PROTECTED CLASS TREES REMAIN IN THE DEVELOPED SITE PLAN.

THE PROPERTY OPENER COULD OFFER THE CITY A PUBLIC RESTRICTIVE COVENANT THAT MAY LIMIT THE NUMBER OF CALIPER TREES THAT ARE REMOVED, COULD PROBABLY PRESCRIBE SOME REMEDY IF THEY HAD TO BE REMOVED BECAUSE OF CIRCUMSTANCES OF A DISEASED TREE OR TILLING LINE, ENCROACHMENT OR SOMETHING ALONG THAT LINE. USUALLY THAT WOULD TURN BACK TO THE PROPERTY

OWNER AND SAY WHAT COULD THEY OFFER AND THEN YOU WOULD GIVE IT TO THE ARBORRIST TO DO A REVIEW, SEE WHAT WOULD BE ADEQUATE, THIS IS ONLY READY FOR FIRST READING, IF THAT WAS THE COUNCIL'S DESIRE, YOU COULD WORK WITH -- WITH THE APPLICANT AND SEE WHAT THEY COULD DRAFT AND THEN HAVE THAT --

SO A RESTRICTIVE COVENANT WOULD THAT BE A --

IT COULD BE A PUBLIC COVENANT TO PRESERVE CERTAIN CALIPER SIZES OF TREES AND OFFER A REPLACEMENT TREES IF THEY HAD TO BE REMOVED BECAUSE OF -- BECAUSE OF CERTAIN CIRCUMSTANCES.

OKAY. THANK YOU. I JUST HAVE ONE MORE QUESTION AND THAT IS -- THAT IS -- YOU SAID THAT YOUR SF 3 DEVELOPMENT LOOKED JUST LIKE YOUR SF 6 DEVELOPMENT ON TOP OF THE GROUND AND THE ONLY DIFFERENCE IS -- IS THAT THE ONLY DIFFERENCE IS BENEATH THE GROUND.

IT IS, BECAUSE THROUGH THE USE OF FLAG LOTS YOU CAN STILL -- BECAUSE THE INTENTION IS STILL TO CREATE THE TYPE OF RESIDENTIAL COMMUNITY THAT HAS BEEN PLANNED, SO BASICALLY THROUGH FLAG LOTS, SO THAT YOU HAVE BUILT-INS BEHIND OTHER BUILDINGS, YOU CAN ACCOMPLISH THAT SAME WAY OUT. ESSENTIALLY WITH THE SF 6 YOU DON'T HAVE TO SUBWIDE.

YOU DON'T HAVE TO SUBDIVIDE AND THE BIG THING IS ONCE YOU ENTER THE SITE, IT'S CONSIDERED A PRIVATE UTILITY -- PRIVATE UTILITIES SO YOU HAVE THAT FLEXIBILITY, IN INDIVIDUAL LOTS IT'S GOING TO BE PUBLIC ACCESS WITH THE UTILITIES TO EACH LOT. BUT YES, YOU DON'T HAVE TO GO THROUGH SUBDIVISION. YOU STILL IN SUBDIVISION YOU HAVE CONSTRUCTION DOCUMENTS TO ADDRESS DRAINAGE AND WATER QUALITY. BUT YOU DON'T HAVE THE INTERIOR FLEXIBILITY. WITH THE TREES IN THE UTILITIES.

THANK YOU. THANK YOU. SO COUNCIL WITHOUT OBJECTION CONTINUING ON WITH OUR PUBLIC HEARING, THE NEXT SPEAKER SIGNED UP SINCLAIRE BLACK. I HAVEN'T SEEN MR. BLACK, SIGNED UP WISHING TO SPEAK IN FAVOR OF THE

ZONING CASE.

WE NOW WILL HEAR FROM FOLKS WHO SIGNED UP IN OPPOSITION. OUR FIRST SPEAKER IS TONY HOUSE. WELCOME, TONY. I SEE SAGE WHITE WITH YOU. SAGE IS OFFERING HER TIME TO YOU, UP TO SIX MINUTES IF YOU NEED IT. YOU WILL BE FOLLOWED BY GAYLA GOLF.

THANK YOU MAYOR, MAYOR PRO TEM, COUNCILMEMBERS FOR THE OPPORTUNITY TO SPEAK IN OPPOSITION TO THE REZONING OF THE ANDRE MANSION PROPERTY. I'M TONY HOUSE, VICE-PRESIDENT OF SOUTH RIVER CITY CITIZENS NEIGHBORHOOD ASSOCIATION. SUPPORTS THE NEIGHBORHOOD AND ITS OPPOSITION TO THE ZONING CHANGE. WITHOUT A CONDITIONAL OVERLAY THAT ADDRESSES THE FOLLOWING CONCERNS, THERE IS NO GUARANTEE THAT THE PROJECT WILL BE DEVELOPED AS APPLICANT HAS PROPOSED. THE CO SHOULD LIMIT THE DENSITY TO THE 10 DUPLEXES WITH THE STRUCTURES CITED TO PREVENTS AND MITIGATE ANY DAMAGE TO PROTECTED TREES ON THE PROPERTY. AUTO ACCESS SHOULD BE LIMITED TO PARKER LANE, IF THE BACK YARDS OF THE DEVELOPMENT FACE WIND OAK, A MATURE VEGETATIVE BUFFER AND PRIVACY FENCE SHOULD BE ESTABLISHED ALONG WINDOW AND LATER MAINTAINED BY THE CONDO ASSOCIATION, THIS WOULD SCREAM BACK YARD CLUTTER FROM THE VIEW OF THE EXISTING HOMES ON WIND OAK, THE EXISTING HOMES FRONT ON TO WIND OAK AND THEY WOULD NEED SCREENING FROM THE BACK SIDES OF THE DUPLEXES IF THEY ARE PLACED AS MR. HAMILTON HAD PROPOSED. APPLICANTS SHOULD AGREE NOT TO SEEK ANY VARIANCES FROM THE CURRENT SETBACKS AND COMPATIBILITY STANDARDS. NO MATTER HOW WONDERFUL APPLICANT'S PLAN MAY APPEAR, WITHOUT A CONDITIONAL OVERLAY THERE IS NO ASSURANCE THAT THIS NEIGHBORHOOD AND THE CITY WILL RECEIVE THE PROJECT THAT HAS BEEN PROMISED. TOO OFTEN THE GREAT DEVELOPMENT OF A NEIGHBORHOOD IS PROMISED, NEVER MATERIALIZES AFTER PROPERTY IS UPZONED. SOMETIMES DUE TO THE PROPERTY BEING FLIPPED AS SOON AS IT IS UPZONED. CONTRARY TO WHAT YOU HAVE BEEN TOLD, DURING THE EAST RIVERSIDE OLTORF COMBINED NEIGHBORHOOD PLANNING PROCESS,

THIS PROPERTY WAS DISCUSSED AND HAS CONSISTENTLY BEEN DESIGNATED TO REMAIN SF-3. AS EVIDENCES BY THE CURRENT DRAFT OF OUR NEIGHBORHOOD PLAN, OF OUR PROPOSED NEIGHBORHOOD PLAN, THIS PROPERTY WAS IDENTIFIED IN THE FALL OF 2003 AS DESERVING SPECIAL RECOGNITION AND PRESERVATION. THAT'S ON PAGE 143. ON PAGE 139, PARD RESPONDED TO STAKEHOLDER'S REQUEST THAT THE CITY PURCHASE THE POND TRACT FOR A POCKET PARK. THIS PROPERTY WAS DISCUSSED DURING THE NEIGHBORHOOD PLANNING PROCESS AND STAKEHOLDERS WERE ADD MAPT THAT IT REMAIN ZONED AS SF 3. FOR THE PAST TWO YEARS, NEIGHBORHOOD PLANNING STAFF SUPPORTED THIS DESIGNATION ON THE PROPOSED FUTURE LAND USE MAP. NOW WITHOUT ANY DISCUSSION WITH OR NOTICE TO THE INTERIM NEIGHBORHOOD PLANNING CONTACT TEAM, PLANNING STAFF HAS CHANGED ITS RECOMMENDATION, CLOSED DOOR MEETINGS BETWEEN THE DEVELOPER AND PLANNING STAFF DO NOT CONSTITUTE PARTICIPATION IN NEIGHBORHOOD PLANNING. THE MOST IMPORTANT GOAL THIS THIS PLANNING AREA IS TO PRESERVE AND ENHANCE THE CHARACTER OF THE TRADITIONAL SINGLE FAMILY NEIGHBORHOODS. ALTHOUGH THE RIVERSIDE AREA, THAT'S THE SMALLEST IN ACREAGE OF THE THREE E ROCK PLANNING AREAS, IT IS THE MOST DENSELY POPULATED YET HAS THE SMALLEST NUMBER OF SINGLE FAMILY HOMES LEFT. THE NUMBER OF UPZONINGS HAS REDUCED OUR SINGLE FAMILY HOUSING TO ONLY 7.3%, LEAVING US WITH 85.3% MULTI-FAMILY HOUSING. ADD TO THIS OUR MINUSCULE 3% OF OPEN SPACE AND SURELY YOU CAN UNDERSTAND OUR RELUCTANCE TO AGREE TO ANY MORE DESTRUCTION OF VALUABLE INFRASTRUCTURE. THE MANSION PROPERTY IS THE SOUTHERN BOUNDARY OF THE NEIGHBORHOOD PLANNING AREAS SINGLE FAMILY NEIGHBORHOOD AND IT SIMPLY CANNOT HANDLE ANY MORE ENCROACHMENT OF HIGH DENSITY ZONING. IF YOU GRANT THE ZONING CHANGE, UP BE CHOPPING OFF YET ANOTHER SLICE OF OUR NEIGHBORHOOD. AND IF THIS CONTINUES, SOON THERE WON'T BE ANY MIDDLE LEFT. PLEASE DENY THIS APPLICATION. THANK YOU.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL?

Leffingwell: SO THE PROPERTY IS CURRENTLY ZONED SF 3

AND THE APPLICATION IS TO GO TO SF 6. BUT I WAS TRYING TO WRITE DOWN ALL OF THE THINGS THAT YOU SUGGESTED AS A CONDITIONAL OVERLAY, I HOPE THAT I GOT FOUR THINGS THERE. THOSE ARE WHAT YOU WERE SUGGESTING WOULD BE CONDITIONAL OVERLAYS IF THE PROPERTY WERE ZONED SF 6.

YES, SIR.

I ASSUME THAT WOULD BE TO ENSURE THAT THE -- THAT THE -- THE DEVELOPED PROPERTY LOOKS ON THE SURFACE JUST LIKE IT WOULD IF IT WERE SF 3.

WELL, IF -- IT COULD BE DEVELOPED UNDER SF 6 UNDER THAT SITE PLAN, BUT WITHOUT ANY -- WITHOUT A CONDITIONAL OVERLAY THERE'S NO GUARANTEE THAT THAT WILL BE DONE.

Leffingwell: EXACTLY. I COPIED 10 DUPLEX UNITS MAX.

UH-HUH.

ON THE -- THE CONDOS.

WELL. RIGHT. HE HAD [MULTIPLE VOICES]

Leffingwell: ACCESS ONLY TO PARKER LANE. VEGETATIVE BUFFER AND FENCE ON WINDOW AND -- AND TO -- TO NOT SEEK ANY SETBACK OR COMPATIBILITY VARIANCES.

YES, SIR.

IS THAT CORRECT.

UH-HUH.

THANKS.

THANK YOU, MS. HOUSE. GAYLA GOLF.

[INAUDIBLE - NO MIC]

Mayor Wynn: SURE. LET'S SEE.

MARY JOS ONS OSGOOD. THREE MINUTES FOLLOWED BY MS. GOLF.

THANK YOU VERY MUCH, MAYOR, CITY COUNCIL MEMBERS, FRIENDS. I'M MARY JO OSGOOD, THE NEIGHBORHOOD REPRESENTATIVE SRCC FOR THIS PARTICULAR AREA. I THANK YOU FOR THIS OPPORTUNITY TO SPEAK. I ALSO THANK YOU, MAYOR WYNN, IN PROTECTING THE NEIGHBORHOOD LAST TIME WHEN WE DID NOT HEAR BECAUSE WE WERE GIVEN A POSTPONEMENT, I DO KNOW THAT THE DEVELOPER ATTEMPTED TO SPEAK IN HIS OWN BEHALF. SO I DO REALLY, REALLY APPRECIATE AND WANT TO COMMEND YOU FOR PROTECTING US AND PLAYING BY THE RULES. I NEED TO -- I NEED TO CLARIFY A COUPLE OF THINGS THAT THE DEVELOPER MENTIONED. I GUESS -- I GUESS THE BIGGEST REASON THAT THE NEIGHBORHOOD IS AGAINST THIS PARTICULARLY ZONING AND WE UNDERSTAND ZONING IS NECESSARY, WE UNDERSTAND ZONING IS COMING, WE ARE NOT NECESSARILY AGAINST ZONING. BUT THERE'S A REAL PROBLEM WITH THE -- WITH THE -- I'M TRYING TO FIND A NICE WAY TO SAY IT. THERE'S A REAL PROBLEM WITH SOME OF THE INFORMATION THAT THE NEIGHBORHOOD IS GETTING. FOR EXAMPLE, WE CANNOT GET ANY STRAIGHT ANSWERS FROM THE DEVELOPER. WE GET A LOT OF MIXED SIGNALS. HE TALKS ABOUT -- ABOUT AN ONGOING RELATIONSHIP WITH THE NEIGHBORHOOD, THAT IS NOT CORRECT. I'VE GOT DATES. FIRST OF ALL, THE NEIGHBORHOOD, THE -- THE MAN WHO -- THE PROPERTY WAS FLIPPED, SOLD TO AN INDIVIDUAL ON APRIL THE 15th. THE FOLLOWING THURSDAY THE 21st, THE DEVELOPER -- THIS DEVELOPER -- THE FAMILY THAT FLIPPED THE PROPERTY, PUT THE PROPERTY UP ON THE MARKET. THE INDIVIDUAL THAT FLIPPED THE PROPERTY, MR. TODD CAVEN MET WITH THE NEIGHBORHOOD IN A VERY, VERY EMOTIONAL TIME AND WITH MR. HAMILTON TO TALK ABOUT WHAT HE WANTED TO PUT ON THAT PROPERTY. MR. HAMILTON AT THAT TIME SHOWED 45 DUPLEXES AND BASICALLY MADE THE STATEMENT THAT HE WOULD PUT DUPLEXES AND PAVEMENT OVER THAT POND. THAT THIS IS WHAT HE WAS GOING TO DO AND THAT -- THAT BASICALLY THAT'S WHAT HE WANTED. HE CANNOT OPEN THE PROPERTY AT THAT TIME, I

MIGHT ADD. THE PROPERTY WAS PURCHASED ACTUALLY BY FS VENTURES. THE FUNDING FROM FS VENTURES CAME FROM A COMPANY CALLED -- FINKLESTEIN PARTNERS IN HOUSTON, TEXAS. THIS MONEY IS NOT EVEN COMING FROM OUR INNER MOST AREA OF AUSTIN. THIS IS DEVELOPER MONEY COMING FROM HOUSTON TO FUND FS VENTURES TO BUY THIS PROPERTY. THIS PARTICULAR DEVELOPER HAS NO INTEREST IN AUSTIN AND/OR IN THIS NEIGHBORHOOD. HE'S OUT TO MAKE MONEY. I ASKED FOR A MEETING AFTER THIS VERY CONTENTIOUS MEETING BACK IN -- BACK IN JULY. AGAIN THE DEVELOPER DIDN'T OWN THE PROPERTY [BUZZER SOUNDING] LONG STORY SHOT HE DID NOT WANT TO MEET WITH US. WE HAVE ASKED FOR THREE MEETINGS WITH THIS DEVELOPER. THREE OF THESE MEETINGS HAVE BEEN AT MY REQUEST, AT NO TIME HAS THE DEVELOPER ASKED TO MEET WITH US. THE ISSUE ABOUT A -- ABOUT HAVING TO PUT UTILITY IN WATER LINES IS ERRONEOUS ON THE REAL ESTATE MAP WHERE THE PROPERTY IS CURRENTLY LISTED FOR SALE, IT SHOWS UTILITY LINES ON THE SOUTHERN EDGE OF THIS PROPERTY. THERE IS ALSO EXISTING WATER AND UTILITY LINES. THIS INFORMATION COMES FROM POLLY PRESLEY'S WEBSITE.

PLEASE CONCLUDE, YOUR TIME IS UP.

THANK YOU.

THANK YOU.

GAYLA GOLF, WELCOME, THREE MINUTES FOLLOWED BY ERIC PETERSON. I'M SORRY, EXAM.

WHAT IS THIS WEBSITE WITH THE WEB -- WITH THE WATER INFO? THAT YOU WERE TALKING ABOUT?

THE WEBSITE?

I'M SORRY, I DON'T HAVE THE URL. JUST GO TO THE POLLY PRESLEY REALITY WEBSITE. IT HAS THAT MANSION IN ITS ENTIRETY LISTED FOR SALE. ALSO POLLY PRESLEY HAS A SIGN THAT HAS NEVER BEEN TAKEN DOWN ON THE BACK THREE LOTS SHOWING THOSE THREE UNDEVELOPED LOTS FOR SALE. WE HAVE ASKED THE DEVELOPER ABOUT IT. HE'S

BASICALLY SAID IT WAS A MISTAKE. WE ASKED HIM ABOUT THIS IN OUR JANUARY MEETING. THOSE SIGNS THAT THAT ADVERTISEMENT FOR THIS PROPERTY IS STILL ON THE WEBSITE.

IS PRESLEY, PRESSLEY OR SOME OTHER SPELLING?

YOU MIGHT ASK MR. HAMILTON. HE'S THE ONE THAT OWNS THIS PROPERTY. POLLY PRESLEY WAS HIS AGENT. I'M SURE THAT YOU CAN GIVE YOU THE CORRECT URL, BUT THIS IS CORRECT INFORMATION.

THANK YOU, MS. OSGOOD. FOLLOWED BY ERIC PETERSON.

HELLO. MAYOR, MAYOR PRO TEM, COUNCILMEMBERS. THANKS FOR HEARING OUR COMMENTS TONIGHT. MY NAME IS GAIL GOFF, I HAVE LIVED JUST NORTH OF THIS PROPERTY FOR 30 YEARS. THIS PROPERTY IS THE OUTSIDE EDGE OF SINGLE FAMILY HOMES ON THE SOUTHERN EDGE OF OUR TRADITIONAL SINGLE FAMILY NEIGHBORHOOD. JACK, AN ENGINEER AND BILLER, OWNED THE LAND FROM PARKER LANE TO THE I-35 NORTHBOUND SERVICE ROAD. WHEN HE BUILT HIS MANSION HE MADE SURE TO ESTABLISH A 55-FOOT WIDE AREA TO BUFFER HIS FAMILY'S HOME FROM THE COMMERCIAL ACTIVITIES ALONG NEARBY OLTORF STREET. WHEN THE DEVELOPMENT OF THE I-35 FRONTAGE TRACT OCCURRED, IT SPECIFICALLY CREATED SIGNIFICANT BUFFERS BETWEEN THE FAMILY HOME AND THE NEW COMMERCIAL DEVELOPMENT. ALSO, ALL ALONG LA MATRICULAR CONSULAR STREET, A 25-FOOT WIDE NATURAL AREA PROTECTS THE WESTERN SIDE OF THIS TRADITIONAL SINGLE FAMILY NEIGHBORHOOD. THIS GROUP OF CUSTOM-BUILT HOMES WHICH INCLUDES THE MANSION IS TUCKED RIGHT UP AGAINST SOME SIGNIFICANT TRAFFIC AND INTENSE COMMERCIAL ACTIVITY. BUT IT HAS IN PLACE SOME MAJOR PROTECTIVE BARRIERS WHICH HAVE PRESERVED AND IN FACT ENHANCED ALL OF THE PROPERTY VALUES HERE. ANY DEVELOPMENT ON THIS PROPERTY SHOULD PROVIDE AT MINIMUM THE SAME PROTECTION TO THE CUSTOM-BUILT HOMES ON WIND OAK THAT THE MANSION TRACTS CURRENTLY ENJOY. SINCE THESE HOMES WOULD THEN BECOME THE NEW OUTSIDE EDGE OF THE NEIGHBORHOOD. OR THE MANSION TRACTS SHOULD BE

LEFT WITH THE CURRENT ZONING. IN ADDITION, OF COURSE, IT'S OBVIOUS FOR -- FOR WHAT WE HAVE SPOKEN ABOUT TONIGHT, THAT THE WONDERFUL TREES ON THE PROPERTY MUST BE PROTECTED. I WOULD ALSO LIKE TO REITERATE THAT THIS SITE WAS IN FACT -- DISCUSSED IN NEIGHBORHOOD PLANNING MEETINGS, BUT THEN THE INITIAL SURVEY WHERE IT WAS IDENTIFIED AS -- AS AN HISTORIC PLACE THAT DESERVES SPECIAL RECOGNITION AND PRESERVATION AND LATER AS A POSSIBLE POCKET PARK. BUT STAFF AND STAKEHOLDERS ALWAYS CONSIDERED IT BEST SUITED FOR SF 3. THE FIRST AND FOREMOST GOAL FOR THIS PLANNING AREA IS NOW AND HAS ALWAYS BEEN TO PROTECT AND PRESERVE THE -- THE CHARACTER OF OUR TRADITIONAL SINGLE FAMILY NEIGHBORHOODS. OUR ESTABLISHED NEIGHBORHOODS COVER ONLY A SMALL PERCENTAGE OF LAND IN THE EAST RIVERSIDE OLTORF COMBINED NEIGHBORHOOD PLANNING AREA, BUT THAT THEY SURVIVE AND THRIVE AS CRITICAL TO CREATING THE MIX OF HOUSING, COMMERCIAL AND OPEN SPACE WE DESIRE FOR THE FUTURE OF OUR AREA. PLEASE DO NOT GRANT THE ZONING CHANGE REQUEST FOR THIS PROPERTY. THANK YOU.

THANK YOU, MS. GOFF, ERIC PETERSON. WELCOME ERIC. LET'S SEE IS -- IS JIM LEE HERE? HOW ABOUT FRANK? HELLO, FRANK, ERIC UP TO NINE MINUTES IF YOU NEED IT. YOU WILL BE FOLLOWED BY PATRICIA WALLACE.

GOOD EVENING, MY NAME IS ERIC PETERSON, PLEASURE TO BE HERE WITH YOU MR. MAYOR AND COUNCILMEMBERS, FELLOW CITIZENS AND NEIGHBORS AND FAMILY. CAN I HAVE THIS ON, PLEASE? A COUPLE OF THREE WEEKS AGO, I MET WITH THIS DEVELOPER, HE SHOWED ME THE SITE PLAN THAT WAS MY INTENTION TO MEET WITH HIM SO THAT I COULD SEE WHAT HIS PLANS WERE FOR THE AREA HE HADN'T BEEN TOO PHIL SCOTT COMING WITH US IN THE PAST. I WANTED TO SEE WHAT TYPE OF ARCHITECTURE, WHETHER THEY FIT IN WITH THE CHARACTER OF THE NEIGHBORHOOD, WHETHER OR NOT I WAS GOING TO BE PROTECTED WITH -- WITH PROPERTY VALUES AND ET CETERA. THE FIRST THINGS THAT CAUGHT MY EYE ON THIS WAS -- WAS THAT THE -- THE PROPERTY DRAWING THAT THEY GAVE ME, THAT THEY HAVE HAD FOR ALMOST A YEAR

TO WORK ON APPEARED TO BE INCORRECT. IT SHOWED A LOT OF THE HOUSES THAT THEY ADMITTED TO BE OR STRUCTURES DIRECTLY ON THE PROTECTED TREES, AFTER FURTHER LOOKING AT THIS SITE PLAN I STARTED ASKING QUESTIONS AND THEY KEPT SAYING IT'S PRELIMINARY, PRELIMINARY, WE HAVEN'T REALLY GOT IT. THEY'VE HAD A WHOLE YEAR. I THINK BY NOW THEY HAVE GONE OUT AND STAKED WHAT HOUSES, WHAT SIZE LOTS THEY WANT TO PUT WHERE. ONE OF THE THINGS THAT CAUGHT MY EYE IMMEDIATELY WAS THAT THERE WAS FOR RETENTION POND. I WAS HIGHLY CONCERNED ABOUT BECAUSE THERE'S A OWE THERE'S A MAJOR DRAINAGE AREA PROBLEM, I'M AN ENGINEER WITH ABOUT 30 YEARS EXPERIENCE. AND -- AND THIS SOIL IS ALL CLAY, THERE'S A -- THERE'S A LARGE HILL IN THE PROPERTY IT'S KNOWN AS WINDY HILL. SO -- SO I BROUGHT UP THE -- THE RETENTION POND AND THE -- AND THEY BASICALLY SAID THEY WEREN'T REQUIRED TO GET INVOLVED WITH THAT. I ALSO ASKED QUESTIONS WHETHER THEY COULD TAKE THE STRUCTURES AND -- AND FACE THE DRIVEWAYS FOR WIND OAK AFTER WE APPROVED THE ZONING AND THEY HEDGED ON THAT. THAT BOTHERED ME BECAUSE ALL THAT I CAN SEE WAS A CLUSTER OF HOMES PUT TOGETHER TIGHTLY PUT. NEXT TO EACH OTHER WITH DRIVEWAYS. AND GARAGE DOORS FACING WINDOW, BASICALLY MAKING WINDOW LOOK LIKE AN ALLEYWAY. THESE TWO LOTS ON THE WEST SIDE OF THE -- OF THE -- OF THE PROPERTY, THEY ARE PROTECTED CURRENTLY BY -- BY DEED RESTRICTIONS, THAT'S WHY THEY HAVEN'T -- HAVEN'T ADDED THOSE TO THE MODELS, THE DEED RESTRICTIONS ARE FOR THE NEIGHBORHOOD PLAN AND THEY ARE ABOUT 50 YEARS OLD. SO -- SO THOSE TWO LOTS ARE PROTECTED, THEY WILL PROBABLY TRY TO -- TO CIRCUMVENT THE DEED RESTRICTIONS SOMETIME IN THE FUTURE. I'M SURE OF THAT. THE -- THE AERIAL VIEW OF THE PROPERTY, SHOWS -- I DON'T KNOW IF YOU CAN CLEAR THAT UP A LITTLE BIT. THE APARTMENT COMPLEX WHICH IS BUILT IN THE EARLY 80s AND WAS SUBDIVIDED BEFORE THEY HAD RETENTION PLAN IN EFFECT USES THIS POND WHICH IS THE -- THE HEAD WATERS TO THE -- TO THE HARPER'S CREEK AS IT'S RETENTION POND. SO IT CHANNELS ALL OF ITS WATER INTO THIS RETENTION POND. THE RETENTION POND ALSO HANDLES ALL OF THE WATER FROM THE NEIGHBORHOOD,

THERE'S AN ALLEYWAY, IF YOU FOLLOW MY FINGER, ALONG HERE. AND DOWN THROUGH THE CENTER. THIS ALLEYWAY IS THE BOTTOM OF A CHANNEL WHICH IS WHERE THE OLD CREEK BED ONCE WAS. THE RETENTION POND ITSELF, IS NORMALLY FILLED WITH WATER. CAN YOU CLEAR THAT UP PLEASE, I DON'T KNOW HOW TO RUN YOUR SYSTEM. YOU WILL PROBABLY HAVE TO GO DOWN ON IT OR SOMETHING. I WILL TRY TO TAKE YOU THROUGH A VIRTUAL TOUR OF THIS NEIGHBORHOOD IF YOU HAVE GOT A -- A CHANCE TO ZOOM IN ON THESE. THE RETENTION POND IS -- IS INDEED ALWAYS FILLED WITH WATER. AND -- AND THAT IS A CONCERN, THE SOIL IS CLAY BASED. THE HOUSE IS ON A HILL. IN THE VALLEY. THIS IS A -- A A PICTURE OF LA MATRICULAR CONSULAR. YOU CAN SEE THE ROAD GOING DOWN -- PICTURE OF MATAGORDA. YOU CAN SEE THE ROAD GOING DOWN. BEHIND MATAGORDA IS AN AREA ZONED FOR OFFICES, THERE'S A TREE -- SET OF -- OF WHAT ARE -- WHAT DO THEY CALL THAT? GREENBELT THROUGH HERE. SOMETIME IN THE FUTURE, CURRENTLY THERE'S A -- THERE'S A STORAGE UNIT HERE, SHURGART, CAN YOU ZOOM IN ON THAT PLEASE? THEY TOLD ME THAT YOU WOULD BE ABLE TO DO THIS FOR ME. IT'S HERE, IF THERE WAS TO BE ANY GROWTH, THEY PROBABLY WOULD BE ABLE TO MOVE INTO WHERE THOSE APARTMENTS ARE, THERE COULD BE AN ENTIRE WALL OF STORAGE UNITS GOING THAT ENTIRE LENGTH. THIS IS CRITICAL. THIS IS THE PROPERTY. THE TWO LOTS. THE POND. THE STORAGE UNIT. YOU CAN SEE THE GREEN GREENBELT AND WHERE THE APARTMENTS ARE. I WENT ON DOWN TO THE -- TO THE -- TO THE CITY OFFICES AND I PICKED UP SOME INFORMATION, WHAT I FOUND WAS SOME OF THE REGIONS THEY MIGHT WANT TO GO TO SF 6 VERSUS SF 3 CAN YOU ZOOM IN ON THAT FOR ME, PLEASE, IS THAT -- THAT -- THE COVERAGE IS 55% ON SF 6, BUT ONLY 45% ON SF 3. THAT CONCERNS ME, THAT COULD ONLY MEAN THEY WERE GOING TO BE COVERING MORE AREA. I ALSO PICKED UP SPECS ON WHAT WAS REQUIRED ON THE ZONING AND WAS GETTING INFORMATION THAT UNDER SF 3, THEY REQUIRED 7,000 SQUARE FEET FOR A DUPLEX, CAN YOU ZOOM IN ON THAT PLEASE, THANK YOU. AND -- AND UNDER SF 6, THEY COULD PUT A DUPLEX OR ANY MULTI-FAMILY ON ONLY 5,700 SQUARE FEET. THIS LAND IS ONLY 97 -- 9200 -- 92,000 SQUARE FEET. I WENT DOWN AND I

PICKED UP THE LAYOUT, CAN YOU ZOOM IN ON THIS? THIS IS CRITICAL. YOU WILL SEE WIND OAK, THE AL LE WAY, THE MANSION. THE APARTMENT COMPLEX ISN'T IN THIS DRAWING, BUT IT IS THERE. THERE'S THE POND, YOU WILL NOTICE THE POND IS AT 575 FEET ABOVE SEA LEVEL. YOU WILL ALSO NOTICE THAT -- THAT LA MATRICULAR CONSULAR STREET HERE IS 576 FEET ABOVE SEA LEVEL. THERE'S ONLY ONE FOOT DIFFERENCE. YOU WILL ALSO NOTICE THAT -- THAT MY LOT AND MY NEIGHBOR'S LOT IS AT 570 FEET. BASICALLY FIVE FEET BELOW THAT RETENTION POND. THIS RETENTION POND IS THE HEAD WATER TO HARPER'S CREEK. THERE'S ONLY ONE SEWER LINE THAT CONNECTS HARPER'S CREEK FROM THIS POINT TO -- TO THE OTHER SIDE OF I-35. ONLY ONE PIPE. ALL OF THE WATER FROM THE APARTMENT COMPLEXES THE NORTH SIDE OF LA MATRICULAR CONSULAR STREET, THE CHURCH PROPERTY WHICH IS ZONED SF 3, CAN BE DENSELY DEVELOPED, THIS NEIGHBORHOOD ALL MUST USE THIS SINGLE CHANNEL, SHOULD THEY PUT SOME TYPE OF WALL OF PROPERTY ON THIS VALUABLE OFFICE SPACE LIKE -- LIKE SAY FOR EXAMPLE EXPANDING THAT STORAGE UNIT, THERE WOULD BE NOTHING TO DRAIN THIS WATER OUT OF HERE. TAKING YOU ON A VIRTUAL TOUR OF THE NEIGHBORHOOD --

PLEASE CONCLUDE, MR. PETERSON.

I BELIEVE THAT I HAVE BEEN GIVEN ABOUT THREE MINUTES FROM THREE OTHER PEOPLE?

YOU WERE GIVEN NINE MINUTES TOTAL.

VERY GOOD.

YOUR TIME IS NOW EXPIRED.

LOTS OF FOLKS WHO WANT TO SPEAK TO US AND --

I'M SORRY.

SO PLEASE CONCLUDE.

I WILL JUST VERY QUICKLY SHOW YOU -- NOT A PICTURE OF MY -- A PICTURE OF MY DOG, TRYING TO SHOW YOU THE

HEIGHT OF THE WALL BACK HERE ON THIS PICTURE AND THIS WALL HERE IS SHOWING AND THIS PROPERTY SHOWING YOU THAT THE HEIGHT OF THIS HILL. AND THE NEIGHBORHOOD. OBVIOUSLY IT'S THE CITY'S RESPONSIBILITY TO PROTECT US AND STATE LAW DICTATES THAT YOU MUST SUPPLY US WITH SERVICES AND IMPORTANT SERVICES LIKE DRAINAGE, ESSENTIAL TO US, AND I DO NOT BELIEVE THAT YOU CAN DO THAT UNDER THIS CURRENT PLAN.

THANK YOU, MR. PETERSON. OUR NEXT SPEAKER IS PATRICIA WALLACE. AND YOU WILL BE FOLLOWED BY HELEN FLEMMING.

PAT VICIOUS SHOULD WALLACE SIGNED UP WISHING TO SPEAK IN OPPOSITION. AND MS. WALLACE WILL BE FOOL FOLLOWED BY HELEN FLEMMING, JOLLED BY JEAN MATHER. YES, MA'AM.

THANK YOU FOR LETTING ME ADDRESS YOU. I HAVE NEVER DONE THIS BEFORE.

WELCOME.

BUT I'M -- I FEEL PRIVILEGED TO HAVE THE OPPORTUNITY. MY NAME IS PATRICIA WALLACE, I LIVE IN AND OWN A HOME THAT'S IN -- IN AREA 7 OF THE -- OF THE SRCC NEIGHBORHOOD COMMUNITY ORGANIZATION. ACTUALLY, 6 AND 7 OF THAT ORGANIZATION IS THE STRIP OF SINGLE FAMILY HOMES THAT EXTENDS FROM THE ANDERWATHA PROPERTY ALL THE WAY UP TO RIVERSIDE DRIVE. MY MAIN CONCERN THAT I'M GOING TO ADDRESS ARE THE TREES. I THINK WE HAVE TO LOOK AT THIS PROPERTY NOT JUST AS A COLLECTION OF TREES, BUT AS AN ECOSYSTEM. THESE TREES ARE NOT JUST ANY ORDINARY OAK TREES. THESE TREES ARE -- ARE BELIEVED TO BE APPROXIMATELY 400 YEARS OLD. AND THAT ESTIMATE COMES TO US FROM DAVE MADDEN OF DAVEY TREE SERVICE, THAT -- AN ORGANIZATION WHICH IS -- HAS CARED FOR THESE TREES FOR THE PAST APPROXIMATELY 25 YEARS. HE BELIEVES THAT THEY ARE AMONG THE OLDEST TREES IN ALL OF AUSTIN. THEY ARE HUGE. MUCH LARGER IN CIRCUMFERENCE THAN WHAT'S REQUIRED BY THE CITY

ORDINANCE TO BE PROTECTED AND TO REQUIRE A PERMIT TO CUT DOWN. WE CANNOT CONSIDER THESE TREES AS A CANDIDATE FOR -- FOR MITIGATION. YOU CAN'T CUT DOWN A 400-YEAR-OLD ENORMOUS OAK TREE AND PLANT SOME TWIG SOMEPLACE ELSE AND THINK THAT THAT'S A FAIR TRADE. IT'S CERTAINLY WOULD BE OUT RAGOUS TO THINK THAT. NOW, AUSTIN CONSIDERS ITSELF TO HAVE A -- A -- ONE OF THE BEST TREE ORDINANCES IN ALL OF THE UNITED STATES. THAT PROBABLY IS TRUE. HOWEVER, UNFORTUNATELY, LIKE SO MANY OTHER ENVIRONMENTAL PROTECTIONS, WE HAVE A SYSTEM THAT IS REACTIVE RATHER THAN PROACTIVE. THIS ORDINANCE DOES PROVIDE THE NECESSITY OF APPLYING FOR A PERMIT TO CUT DOWN A TREE THAT'S OVER A CERTAIN CIRCUMFERENCE, WE HAVE BEEN IN -- I HAVE BEEN IN COMMUNICATION OVER THE LAST COUPLE OF DAYS WITH THE -- WITH THE CITY ARBORRIST AND HE'S -- HE ASSURES ME THAT THERE IS AT LEAST 8 TREES ON THIS PROPERTY THAT -- THAT ARE OF THE -- OF THE SIZE THAT -- THAT -- THAT REQUIRE THAT PERMIT. HOWEVER, HE'S IT. MEANING MR. AMBISE, HE IS -- IT'S UP TO HIM TO DECIDE. IF YOU LOOK AT THE HISTORY OF THIS AND - - ACROSS THE COUNTRY, THERE ARE OTHER PLACES THAT HAVE ORDINANCES LIKE OURS. AND IN ALMOST EVERY CASE WHEN AN OWE WHEN A DEVELOPER SAYS YES THIS IS A BEAUTIFUL TREE, BUT IT JUST IS IN MY WAY OF WHAT I WANT TO DO. IT'S ALMOST ALWAYS THEY GET TO CUT DOWN THE TREE AND DO SOME SORT OF MITIGATION. MR. -- MR. -- THE GUY FROM DAVEY TREE PROJECTS THAT OVER A PERIOD OF FIVE YEARS, IF WHAT -- WHAT MR. HAMILTON PROPOSES TO BUILD IS BUILT ALL OF THE TREES ON THAT PROPERTY WILL BE DEAD OR DYING. WE HAVE ONLY HAD TWO MEETINGS WITH MR. HAMILTON THAT WERE OPEN TO ALL OF THE NEIGHBORHOOD ORGANIZATION. THE SRCC MEMBERS. AFTER THAT HE SAID I'M DONE WITH YOU PEOPLE AND HE DID -- HE DID DEIGN TO MEET WITH SOME PEOPLE WHO WERE PARTIES TO RESTRICTIVE COVENANTS, WE HAVE GOTTEN MIXED INFORMATION. SO LATELY WE HAVE BEEN TRYING TO FIND OUT ABOUT -- ABOUT THE DEMOLITION. WE HAVE A COMPLICATED --

MS. WALLACE PLEASE CAN CONCLUDE YOUR TIME HAS EXPIRED. I WANT YOU TO KNOW THAT A DEMOLITION PERMIT

WAS ISSUED IN NOVEMBER, IT WAS ISSUED BY THE CITY TO -  
- TO -- TO HABITAT FOR HUMANITY BECAUSE THE CITY WAS  
TOLD THAT HABITAT FOR HUMANITY HAD THE CONTRACT TO  
DEMOLISH THE -- THE MANSION. UNDERSTAND THAT HE CAN  
DEMOLISH THE MANSION OBVIOUSLY SEPARATE FROM THIS  
ZONING REQUEST. VARIATION REQUEST. WE HAVE FOUND  
OUT --

Mayor Wynn: PLEASE CONCLUDE, YOUR TIME EXPIRED,  
MA'AM. WE HAVE LOTS OF FOLKS AFTER YOU.

THERE IS NO VALID DEMOLITION PERMIT NOW. BECAUSE --  
BECAUSE HABITAT TO HUMANITY DID NOT HAVE THE  
CONTRACT SO -- SO IT'S A -- IT'S ERRONEOUS APPLICATION  
THAT -- THAT HAS BEEN FAXED TO THE CITY AND AS OF  
TOMORROW MORNING, I EXPECT THAT -- THAT TO BE TOLD  
THAT -- THAT PERMIT HAS BEEN PULLED AND HAVE TO BE  
REPLACED WITH INFORMATION ABOUT WHO ACTUALLY HAS  
A CONTRACT TO DEMOLISH THE MANSION.

THANK YOU, MS. WALLACE.

OKAY.

NEXT SPEAKER IS HELEN FLEMMING. HELEN FLEMMING  
SIGNED UP WISHING TO SPEAK IN OPPOSITION. HELEN  
FOLLOWED BY GENE MATHER. FOLLOWED BY -- BY MAYBE --  
WELCOME. YOU WILL HAVE THREE MINUTES.

GOOD EVENING.

I WOULD LIKE TO DONATE MY HOURS -- MY MINUTES,  
PLEASE, TO -- TO MARY JO OSGOOD TO COMPLETE HER  
PRESENTATION.

Mayor Wynn: FAIR ENOUGH, COUNCIL WITHOUT OBJECTION,  
MS. OSGOOD, WELCOME BACK.

THANK YOU VERY MUCH. WE WERE TOLD THAT HABITAT FOR  
HUMANITY WOULD BE DOING THE DEMOLITION AND THE  
SALVAGE. WE CONTACTED HABITAT, THE DEMOLITION  
MANAGER, HE DID THE INITIAL BID, THERE IS NO CONTRACT.  
WE DON'T KNOW WHO IS DOING THE DEMOLITION. WE DON'T

KNOW WHO IS DOING THE SALVAGE. WE WERE TOLD THAT THE -- THE DEVELOPER WOULD MEET WITH THE NEIGHBORHOOD. EVERY SINGLE MEETING THAT WE HAVE HAD, THERE'S ONLY BEEN FOUR TOTAL SINCE LAST JULY HAVE BEEN -- HAVE BEEN REQUESTED BY THE NEIGHBORHOOD, MR. EMBISE CAME OUT AND LOOKED AT THE TREES BECAUSE I PERSONALLY CALLED HIM. THE NEIGHBORHOOD ASKED HIM TO COME OUT AND LOOK AT THOSE TREES. I'M NOT SURE IF THERE WAS ANY CONTACT BETWEEN THE DEVELOPER AND EMBISE BEFORE THE NEIGHBORHOOD GOT INVOLVED. THE OTHER ISSUE IS THAT LINDA WHO SOLD THE PROPERTY BACK IN JULY TO THE PERSON THAT FLIPPED IT PUT \$50,000 WORTH OF UPGRADES THINKING THAT SOMEBODY WOULD MOVE INTO HER HOUSE AND RAISE A FAMILY. THERE IS NO DAMAGE TO THAT HOUSE. THAT HOUSE IS AS SOLID AS IT WAS THE DAY IT WAS BUILT. AND THE OTHER ISSUE IS THAT -- IS THAT WE ARE VERY, VERY UPSET AND WE WILL CONTINUE TO FIGHT AGAINST THIS IN ANY WAY WE POSSIBLY CAN. THIS IS A LANDMARK FOR THE NEIGHBORHOOD, THIS IS REALLY GOING TO IMPACT OUR NEIGHBORHOOD IN A VERY, VERY, VERY NEGATIVE WAY. WE DON'T -- DON'T FEEL THAT WE CAN TRUST THE WORD OF THE DEVELOPER BECAUSE WE ARE GETTING DIFFERENT INFORMATION. THERE IS NO TRUST TO SO WE ARE NOT WANTING AT THIS POINT IN TIME TO EVEN CONSIDER A CONDITIONAL OVERLAY BECAUSE WE DON'T THINK THAT WE ARE GOING TO GET IT. I BELIEVE THIS MAN'S INTENT IS TO PUT UP A HIGH RISE FOR THAT PROPERTY. AND WE MAY END UP LIVING WITH SOMETHING THAT WE DON'T EVEN KNOW WHAT IT IS, IT'S GOING TO FLIP IT, WE ARE GOING TO END UP ON THAT PROPERTY. THAT'S MY CONCLUSION. I REALLY DO HOPE THAT YOU HEAR WHAT WE ARE SAYING, THAT YOU VALUE OUR NEIGHBORHOOD, YOU VALUE OUR CONCERNS AND THAT YOU ARE NOT GOING TO LET HOUSTON MONEY SWAY AND REALLY START TO HAVE AN IMPACT ON THIS COMMUNITY BECAUSE THEN DEVELOPERS CARE ABOUT MONEY AND WE HAVE LOST THE FABRIC OF OUR NEIGHBORHOOD. THANK YOU.

THANK YOU, GENE MATHER, WELCOME. EXCUSE ME?

[INAUDIBLE - NO MIC]

WELCOME BACK, MR. PETERSON, THREE ADDITIONAL MINUTES.

HELLO, YES. THIS IS A PICTURE OF WIND OAK, YOU MIGHT NOTICE THAT IT'S ON A HILL. CAN YOU ZOOM IN ON THAT, PLEASE. I'M STILL TRYING TO FIGURE OUT HOW THEY ARE GOING TO TAKE THOSE LOWER LEVEL DUPLEXES AND SEND THAT SEWAGE UPHILL AS A -- AS THEY CLAIM THEY ARE GOING TO BE DOING. ONE OF THE THINGS THAT VERY MUCH CONCERNED ME WAS THE -- WAS THE STAFF RECOMMENDATION, I STARTED LOOKING AT THE STAFF RECOMMENDATION AND WAS VERY CONCERNED BECAUSE I ACTUALLY WENT DOWN TO THE OFFICE TO QUESTION THE GUY THAT RECOMMENDED THIS AND I SAYS, WELL WHAT'S GOING ON HERE. IT'S FULL OF AIR. AND -- OWE FULL OF ERRORS AND OMISSIONS. I GOT DIRECT WORD FROM THE PEOPLE IN THE PLANNING GROUP AND COMMISSION SAYING THERE WAS NEVER A MEETING OF THE DEVELOPER. IF A MEETING WITH THE ZONING OFFICE AND DEVELOPER CONSTITUTES A MEETING WITH THE NEIGHBORHOOD PLANNING, WELL THAT'S A CLOSED DOOR MEETING AND I DON'T ACCEPT THAT. I TURNED AROUND AND I STARTED LOOKING AT OTHER ISSUES THAT WERE INSIDE OF THIS HERE ZONING PAPERWORK THAT THE STAFF HAD TURNED AROUND AND SUBMITTED SAYING THAT THEY WERE GOING TO RECOMMEND IT. AND I SAW THINGS LIKE THERE WAS NO MENTION OF HILLS. AND CREEK AND FLOODING PROBLEMS AND AS A MATTER OF FACT IT WAS ACTUALLY WRITTEN OFF AS NOT BEING A PROBLEM. LOOK AT THAT. NO BLUFFS. I SHOW PICTURES OF BLUFFS. WHERE ONE HOUSE WAS -- WAS NEXT TO A LOT THAT WAS 10, 15 FEET TALLERER THAN IT. WELL, WHAT KIND OF RECOMMENDATION IS THIS? I MIGHT ASK. YOU KNOW, WHAT IS GOING ON HERE WITH FLEXIBILITY OF FLEET, TREE -- TREE PROTECTION? IT'S LIKE OKAY. THINGS LIKE WHERE IT SAYS TO THE WEST, IT'S A RETENTION POND AND AUTO REPAIR SHOP. THAT'S AN UNTRUE. THERE ARE TWO LOTS ZONED SF 3 WHICH ARE PROTECTED BY RESTRICTIVE COVENANTS. THIS RECOMMEND INDICATION BY YOUR STAFF, I WONDERED WHETHER HE EVEN GOT IN HIS CITY-OWNED CAR AND TOOK A THREE MINUTE DRIVE OUT TO THE AIR TO TAKE A LOOK AT IT TO SEE THE HILLS, TO SEE THE PROPERTY, TO SEE THE

RETENTION POND. I'M GOING TO SAY THAT -- THAT IT IS THE DEVELOPER'S INTENTION TO MAXIMIZE HIS PROFIT AT THE EXPENSE OF THE PROPERTY OWNERS THAT ARE ALREADY LIVING THERE. I DON'T THINK THAT'S RIGHT. BECAUSE WHAT'S GOING TO BE THE RESULT IS HE'S GOING TO PUT IN SOME TYPE OF DEVELOPMENT TO IMPROVE HIS -- HIS MAXIMIZE HIS PROPERTY, IT'S GOING TO TURN AROUND THE COST OF REST OF US OR PROPERTY VALUES. DO YOU THINK THAT'S FAIR. THANK YOU.

THANK YOU, MR. PEARSON. ALSO SIGNED UP AND NOT WISHING TO SPEAK IN OPPOSITION WAS KARL BRAUGHN. IS KARL BRAUGHN HERE. HE HAS TO BE IN THE ROOM. THAT'S ALL THE PEOPLE FOR OR AGAINST, NOW A ONE-TIME THREE MINUTE REBUTTAL FOR -- YES, MA'AM? INNADIA, SORRY, COME ON UP IF YOU WOULD LIKE TO ADDRESS US. STATE YOUR NAME INTO THE MIC FOR THE RECORD. MY SYSTEM DOESN'T SHOW IT HERE.

MAYOR, MAYOR PRO TEM, CITY COUNCIL, MY NAME IS DELOIS LUNA, I AM MR. PETERSON'S NEXT DOOR NEIGHBOR. I AM JUST WANTING TO LET YOU KNOW ABOUT MY CONCERNS, MY CONCERNS BEING DRAINAGE. MY HOUSE SITS AT THE BOTTOM OF THE HILL ON CIRCLE HAVEN. THERE ARE ONLY TWO SEWER LINES FROM PARKER OR NOT SEWER LINES, I'M SORRY. GUTTERS. STORM SEWERS. FROM PARKER TO THE END OF WIND OAK. ALL I GET ALL THE WATER COMING DOWN FROM WIND OAK AND ALSO ON THE BACK SIDE I GET WATER COMING IN ON THAT EASEMENT. LAST YEAR I HAD ON MY SIDE YARD WHEN THAT POND BACKS UP IT BACKS UP INTO THE NEIGHBORHOOD. AND THAT POND BACKED UP INTO MY BACK YARD AND I HAD A -- A SWAMP FOR ABOUT TWO MONTHS. WATER ALSO COMING DOWN THE HILL, IT'S -- IT'S REALLY WHEN WE HAVE A BAD STORM, IT'S JUST REALLY GUSHING AND IT'S ALMOST SCARY TO SEE. I JUST WANTED TO ADDRESS THAT THIS IS A VERY, VERY SERIOUS PROBLEM, THE DRAINAGE AND I'M VERY CONCERNED BECAUSE ONE OF THE -- THEY WANT TO PUT A STREET ALSO AND IT WILL BE RIGHT DIRECTLY IN FRONT OF THE CIRCLE HAVEN, SO THAT MEANS MORE WATER. SO I DON'T WANT TO TAKE UP ANY MORE OF YOUR TIME, I JUST WANTED TO ADDRESS THIS ISSUE. THANK YOU.

THANK YOU. IS THERE ANYBODY ELSE WHO HAS ATTEMPTED TO USE OUR SIGN-UP SYSTEM FOR WHATEVER REASON THAT ISN'T SHOWING HERE ON MY SCREEN. THANK YOU ALL VERY MUCH. SO MS. TOUPES OR ANYBODY ELSE, A THREE MINUTE REBUTTAL.

THANK YOU, MAYOR. I WILL TRY TO FIT ALL OF THESE ITEMS PRETTY QUICKLY. THIS DRAWING IS IN YOUR PACKET. I APOLOGIZE THAT IT'S BLACK AND WHITE. WHAT YOU SEE HERE, THIS IS THE EXISTING NEIGHBORHOOD, THIS IS OUR PROPOSED DEVELOPMENT. I WANT TO SHOW YOU THIS IN TERMS OF COMPATIBILITY. OUR IMPERVIOUS COVER UNDER THIS PLAN IS ACTUALLY A BIT LESS THAN WHAT EXISTS IN THE EXISTING NEIGHBORHOOD. THE -- THE TREES DRIVE THE DESIGN ON THIS PROJECT. AND THE -- THE DRIVEWAY, WHAT WE HAVE DONE INSTEAD OF HAVING 10 DRIVEWAYS FROM SF 3, WE HAVE CONSOLIDATED THAT TO ONE DRIVEWAY AND THEY ARE CORRECT, THERE ARE TWO LOTS, WHICH ARE ZONED SF 3, THEY ARE DEED RESTRICTED TO SINGLE FAMILY HOUSES NOT DUPLEXES. SO WHAT OUR PLAN SHOWS IS TWO SINGLE FAMILY HOUSES WHICH WILL JOIN IN -- INTO THE COMMUNITY SO THAT THEY WOULD USE THAT -- THAT ACCESS, THIS DRIVE WHICH ACCESSES ONCE ON WINDOW AND ONCE ON PARKER. THE POND IS AT THE END, OUR PROPERTY DRAINS TO THE POND, THE APARTMENT COMPLEX NEXT TO US DOES HAVE DETENTION, IT WAS DEVELOPED EARLY ON WHEN SOME OF THE WATER QUALITY RESTRICTIONS WEREN'T IN, THE DETENTION IS PROTECTED BY CITY ORDINANCE. OBVIOUSLY WE HAVE TO KEEP OUR DEVELOPED DRAINAGE TO THE PREEXISTING CONDITION. SO WE DRAINED TO THIS POND. THIS POND STILL DRAINS TO THE STORM SEWER WHICH CONTINUES ON TO TOWN LAKE. THE NEIGHBORHOOD DRAINS OTHER DIRECTION SO WE ARE DRAINING IN A -- IN A WESTERLY DIRECTION INTO THE -- INTO THE EXISTING POND, THE POND WILL BE PART OF THE SITE PLAN PROCESS TO ADDRESS DETENTION AND WATER QUALITY. THE ISSUE ABOUT BUFFERS THAT THEY BROUGHT UP AS WE SHOWED YOU ON THE PLAN, THE INTENTION IS TO HAVE THESE FRONT UNITS ADDRESS THE STREET. SO THAT BACK YARDS WOULD NOT BE FACING THE STREET, WE WILL DO SOME SORT OF A SCREENING, THERE WILL BE SOME SORT OF VEGETATIVE

SCREENING AND PROBABLY A FENCE. THAT'S ALWAYS THAT DOUBLE EDGED THING. ARE WE A PART OF THE COMMUNITY OR ARE WE SEPARATED FROM THE COMMUNITY. BUT -- BUT CURRENT PLANS THERE WOULD PROBABLY BE A VEGETATIVE BUFFER ALONG THERE AS WELL AS A FENCE. GOING BACK TO I THINK LET'S SEE THE DEED RESTRICTIONS ON THE TREES, THERE ARE ACTUALLY 12 PROTECTED TREES, 19-INCH AND GREATER. THOSE ARE NOT -- THEY ARE NOT CUT DOWN OR THERE'S NO INTENTION TO HARM THOSE TREES IN THIS PLAN. WE ARE VERY AWARE OF HOW MANY LARGE TREES THAT ARE IN THIS PLAN. THE -- LET'S SEE. MR. HAMILTON DID INVITE THE CITY ARBORRISTS OUT. IT -- I'M SORRY THERE SEEMS TO BE SO MUCH I GUESS DISTRUST AMONG THE NEIGHBORHOOD, WE BELIEVE THAT THE PLAN THAT WE HAVE SHOWN IN JANUARY IS THE SAME PLAN AND UNFORTUNATELY WE HAD A NEW OWNER THAT BOUGHT IT IN JULY. AND THEN GOT INVOLVED IN TALKING TO -- TO THE CITY STAFF ABOUT THE NEIGHBORHOOD PLAN. PROPERTIES SELL AND -- AND I THINK THAT'S SOME OF THE CONCERN. IS THAT MY TIME?

THAT'S YOUR TIME, THANK YOU, MS. TOUPS, BUT HANG AROUND FOR QUESTIONS OR COMMENTS. COUNCIL THAT CONCLUDES THE PUBLIC HEARING PORTION OF THE CASE. COUNCILMEMBER DUNKERLY?

SF 3 ZONING. YOU COULD BUILD HOW MANY UNITS OR NOT UNITS, HOW MANY BUILDINGS AND HOW MANY UNITS ON THE PROPERTY THAT'S UP FOR REZONING?

WE COULD BUILD 10.

10.

7,000 SQUARE FOOT LOTS.

ON WITH YOUR SF 6 ZONING, WHICH I UNDERSTAND FROM THE DIAGRAMS, MUCH BETTER THAN I DID EARLIER, THE NEED -- THE FLEXIBILITY TO GET -- TO GET FOR THE -- FOR THE NEW CONFIGURATION OF THE WATER LINES, HOW MANY UNITS WOULD YOU BUILD UNDER THAT CONFIGURATION.

10.

10 -- 10 DUPLEXES.

10 DUPLEXES FOR THE SAME NUMBER, THE ONLY DIFFERENCE IS IN THE CONFIGURATION OF THE WATER AND THE ABILITY TO -- TO -- TO PLACE THEM -- THEM MORE STRATEGICALLY AS FAR AS THE TREES ARE CONCERNED.

CORRECT.

THE ZONING ACTUALLY ALLOWS AS MUCH AS 12 UNITS TO THE ACRE. THE TREES DRIVE THE NUMBER.

IF WE WERE TO DO FIRST READING TONIGHT, WOULD THAT AGAIN -- THAT WOULD GIVE YOU AN OPPORTUNITY TO COME BACK IN TO SOME -- MAYBE A CO OR SOMETHING THAT WOULD RESTRICT IT TO THE SAME 10 UNITS AND DO SOME OTHER THINGS -- AS MR. LEFFINGWELL SAID ABOUT THE TREES, IF YOU COULD POSSIBLY WORK ON BOTH OF THOSE THINGS. I THINK THAT THE CONCERN THAT THE NEIGHBORS EXPRESSED IS REALLY A GOOD ONE AND THAT SOMETIMES WE ZONE THINGS AND THEN THEY -- YOU KNOW, THAT PROJECT GOES AWAY AND THERE'S A NEW PROJECT AND THERE ARE NOT ME RESTRICTIONS AND THEN THE WHOLE -- THE WHOLE SIDE IS OPEN AGAIN FOR REDEVELOPMENT AND -- AND IT'S NOT WHAT EITHER WE THOUGHT OR WHAT THE NEIGHBORHOOD HAD THOUGHT. WOULD THINK. I THINK THAT'S IMPORTANT THAT WE GET SOME RESTRICTIONS ON THE NUMBER OF BUILDINGS. SO THAT THEY ARE CONSISTENT OF ONE ZONING TO THE OTHER. ALL THAT WE ARE GETTING WITH THIS SF 6 ZONING IS THE -- IS THE STRATEGIC LOCATION AS FAR AS THE TREES AND THE CREATIVE USE OF THE WATER LINES. SO -- SO THAT WOULD BE ONE OF THE COMMENTS THAT I WOULD MAKE.

OKAY.

THAT'S NOT A PROBLEM.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER LEFFINGWELL?

WELL, I DID READ OFF THAT LIST, A WHILE BACK, TO THE -- TO THE PEOPLE WHO WERE SPEAKING IN OPPOSITION. AND I DON'T KNOW IF YOU COPIED THEM DOWN OR NOT.

I DID.

I WOULD JUST LIKE TO RUN THEM BY YOU AND SEE IF YOU HAVE ANY PROBLEMS WITH THEM. COUNCILMEMBER DUNKERLY MENTIONED THE MAXIMUM OF 10 DUPLEX UNITS ON THE -- ON THE TRACT.

AS LONG AS IT'S -- IT'S ACTUALLY 20 UNITS, WHAT THE PLANNING COMMISSION HAD GIVEN US -- THE THING THAT -- WITH 10 BUILDINGS, THE 10 BUILDINGS, WE WANTED THE OPTION TO POSSIBLY SPLIT A COUPLE OF THE BUILDINGS, IF THE TREES DIKT TAKE ITED THAT, THAT'S WHY THEIR MOTION WAS 20 UNITS, 12 BUILDINGS. WE WOULD LIKE SOME FLEXIBILITY THERE BECAUSE RIGHT NOW IT LOOKS LIKE YOU COULD HAVE THEM ALL JOINED BUT WE MIGHT HAVE TO SPLIT SOME.

Leffingwell: SOMETHING ALONG THOSE LINES. JUST TO ALLOW YOU TO BE ABLE TO AS YOU SAY SPLIT TO PROTECT YOUR TREES BECAUSE THAT WAS GOING TO BE A RESTRICTIVE COVENANT THEN I WOULD SUGGEST IT WAS -- WAS THAT ALL PROTECTED CLASS TREES REMAIN. BACK TO THE CO, I BELIEVE THE OTHER ONE THEY MENTIONED WAS ACCESS ONLY TO PARKER LANE WITH A VEGETATIVE BUFFER OR A FENCE ALONG WIND OAK AND SOMETHING ABOUT -- ABOUT NO SETBACK OR COMPATIBILITY VARIANCES. I CAN'T IMAGINE THAT ANY --

WE DON'T ANTICIPATE ANY VARIANCES, THE PROBLEM WITH THE ACCESS IS THAT WE ARE REDUCING THE POTENTIAL OF 10 TO 12 DRIVEWAYS TO ONE ON WIND OAK. SO -- SO WE HAVE ONE ACCESS ON WIND OAK, ONE ON PARKER. AND WE FEEL THAT THAT'S VERY REASONABLE, IT GIVES US FLEXIBILITY TO -- FOR FIRE, ACCESS THROUGH WITHOUT HAVING TO DO A CUL DE SAC IN THERE, WHICH IS MORE IMPERVIOUS COVER, SO WE DON'T THINK THAT ONE DRIVEWAY IS UNREASONABLE IN THAT -- IN THAT STREET. SO THAT WAS A STICKING POINT FOR US WAS THE ACCESS.

WOULD THAT BE NECESSARY FOR EMERGENCY REASONS TO HAVE A SECOND ACCESS POINT?

IT WAS, THE NEIGHBORHOOD OFFERED UP A GATED BUT THAT DIDN'T WORK FOR US. YOU KNOW, THE EMERGENCY GATES. SOMETIMES YOU HAVE THAT. WE BELIEVE FOR THE -- FOR THE COMMUNITY THAT WE ARE BUILDING THERE, WE REALLY NEED THAT FLEXIBILITY OF TWO ACCESS POINTS.

OKAY.

AND WHAT I THINK THAT I'M GETTING, CORRECT ME IF I'M WRONG, IS THAT MOST OF THE CONCERNS THAT I HAVE HEARD FROM THE NEIGHBORHOOD WOULD REFLECT AN UNDEVELOPED SITE BASICALLY. LEAVING IT THE WAY THAT IT IS. WHEN ACTUALLY THE CHOICE THAT WE ARE LOOKING AT IS BETWEEN SF 3 WITH X NUMBER OF UNITS ON IT OR SF 6 WITH THE SAME NUMBER OF UNITS ON IT, AND IT MAY BE THAT -- THAT WE CAN OFFER GREATER PROTECTIONS FOR THE SITE ENVIRONMENTALLY AND COMPATIBILITY-WISE IN CONJUNCTION WITH THE SF 6 ZONING, THAT'S JUST A COUPLE OF THOUGHTS.

Mayor Wynn: COUNCILMEMBER, FURTHER COMMENTS, QUESTIONS?

Mayor Wynn: MR. GUERNSEY, STAFF IS READY FOR FIRST READING, DEPENDENT ON WHICH WAY WE GO. FIRST READING ONLY?

Guernsey: THAT'S CORRECT, WE ARE ONLY READY FOR FIRST READING ONLY. I WILL REMIND COUNCIL THERE IS A VALID PETITION THAT WOULD TAKE EFFECT AT THIRD READING. THAT WOULD REQUIRE SIX OUT OF A SEVEN VOTE OF COUNCIL AT THAT TIME. BUT THERE'S -- THERE'S ONLY FOUR VOTES NECESSARY TO  APPROVE IT ON FIRST READING TODAY.

THANK YOU.

COUNCILMEMBER ALVAREZ?

Alvarez: THANKS, MAYOR. I THINK MS. TOUPS MENTIONED

SOME TYPE OF A RESTRICTION THAT WAS DISCUSSED AT THE PLANNING COMMISSION ABOUT THE NUMBER OF UNITS, NUMBER OF BUILDINGS. BUT I BELIEVE IT WAS FORWARDED TO US WITH NO -- WITH NO RECOMMENDATION OR AM I LOOKING AT THE WRONG BACKUP HERE?

NO, THE COMMISSION DID MAKE A LET ME ADDITION, BUT THE MOTION FAIL -- THE COMMISSION DID MAKE A RECOMMENDATION, BUT IT FAILED ON A 4-4 VOTE. MY UNDERSTANDING THE MOTION WAS FOR 20 UNITS, 12 BUILDINGS. I THINK THAT WAS JUST STATED --

Alvarez: ACTUALLY, I THINK THAT WAS RIGHT. JUST DIDN'T READ THAT PARTICULAR PART SINCE IT FAILED. THAT -- I WAS CURIOUS IF THERE WAS A PLANNING COMMISSION RECOMMENDATION ON RECORD BUT THEY DIDN'T HAVE THE REQUIRED NUMBER OF VOTES SEEMS LIKE.

Gurensey:: THAT'S CORRECT. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] I WOULD MOVE APPROVAL ON FIRST READING OF THE STAFF RECOMMENDATION STAFF RECOMMENDATION OF SF 6.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLY, SECONDED BY COUNCILMEMBER LEFFINGWELL. FURTHER DISCUSSION? COUNCILMEMBER ALVAREZ? [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Alvarez: IT'S BEHIND ME, SO I CAN'T REALLY SEE IT. HERE WE GO. THAT'S THE SAME TRACK OR DOES IT INCLUDE THAT UNDEVELOPED PORTION IN THE BACK.

THAT IS JUST THE TRACT, THE SUBJECT PROPERTY WE'RE TALKING ABOUT.

Alvarez: WHERE THE 10 OR 12 STRUCTURES WOULD GO. AND THEN THEY WOULD ACCESS ON WIND OAK.

THAT'S CORRECT.

THIS IS THE UNCREATE TIF SUBDIVISION, THOUGH. IT'S STRAIGHT LOTS. IT'S THE SIMPLEST, CHEAPEST THING THAT

SOMEBODY COULD DO.

I DIDN'T KNOW IF THIS INCLUDED THAT BACK PORTION THAT HAS THE LARGE TREES.

THE LARGE TREES ARE ACTUALLY ON THIS PROPERTY, NOT THAT PLAN, NOT BACK WHERE THE POND --

THE LARGEST TREES ARE -- THE MANSION IS TUCKED BACK ON THE INSIDE OF THOSE TREES. SO THE LARGEST TREES ARE ACTUALLY THERE. YOU CAN SEE THE TREE. AND THEN THERE'S -- THEN YOU LOOK AT THE PLAN AND THE CLOSEST ALONG THERE'S AN OPEN LAWN AND A GROUPING OF TREES WHERE THE TREES ARE. THERE'S ANOTHER GROUP OF LARGE TREES AND THEN STARTING AT THAT ROAD WHERE THE PROPERTY LEAN LYON IS GOING BACK TO THE SINGLE-FAMILY LOTS THEY'RE ALL OVERGROWN, THEY HAVEN'T BEEN MAINTAINED AND THEY'RE NOT VERY BIG TREES, BUT WE WOULD CLEAN SOME OF THE SCRUB OUT.

I JUST WANTED TO MAKE SURE THAT I WAS CONDITIONING THOSE 10 LOTS ON THE SAME SIZE OF TRACT THAT WE WERE SHOWING THESE 10 PARTICULAR STRUCTURES.

I'LL LEAVE THIS UP HERE FOR YOU GUYS.

Alvarez: I THINK, MAYOR, FOR THAT REASON, IF YOU COULD -- YOU COULD POTENTIALLY SUBDIVIDE THIS THIS IN SUCH A WAY THAT YOU COULD HAVE 10 STRUCTURES OR 10 HOMES THAT THEMSELVES COULD BE POTENTIALLY TWO-UNIT STRUCTURES. AND I DO THINK THAT IT SEEMS LIKE A REASONABLE PROPOSAL, AND ACTUALLY ALLOWS FOR BETTER DESIGN WITH THE SITE AND THEN PROTECTION OF SOME OF THE IMPORTANT FEATURES. AND ACTUALLY, I THINK, MINIMIZES THE VISUAL IMPACT OF THE OTHER HOMES ON WIND OAK AND THE FACT THAT THOSE MAYBE MORE TRADITIONALLY SUBDIVIDED LOTS WOULD ACCESS WIND OAK THAN THE FACT THAT THERE MAY BE ONE DRIVEWAY ON WIND OAK. I DON'T THINK IT'S NECESSARILY A SIGNIFICANT ISSUE, BUT I WILL BE SUPPORTING THE MOTION AND JUST APPRECIATE EVERYBODY'S INPUT ON THIS MATTER.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FOR MY SAKE, STAFF -- AS COUNCILMEMBER ALVAREZ POINTED OUT, THE SUBDIVISION THAT CAN OCCUR UNDER SF-3, WHILE IT REQUIRES NO ZONING CHANGE, IT DOESN'T COME TO COUNCIL. AND WHEN THE SUBDIVISION GOES TO I GUESS THE PLANNING COMMISSION IS PERFUNCTORY AND STATE LAWMAN DATES THAT IT HAS TO BE APPROVED BY THE PLANNING COMMISSION IF IT MEETS JUST THE LOT DIMENSIONS.

IF THE SUBDIVISION MEETS THE TECHNICAL REQUIREMENTS, THE PLANNING COMMISSION IS REQUIRED TO APPROVE THE PLAT.

Mayor Wynn: IT'S OBLIGATED TO BE APPROVED BY THE PLANNING COMMISSION AND DOESN'T EVEN COME TO COUNCIL.

THEY ARE COULD HAVE REN ON THEIR DECISION.

Mayor Wynn: IT'S WITH THIS I WILL BE SUPPORTIVE ON FIRST READING. THIS ALLOWS US TO HAVE THESE DISCUSSIONS AND THE POTENTIAL FOR SOME SIGNIFICANT RESTRICTIONS, SOME COVENANTS, SOME OTHER CREATIVITY THAT IMPROVES WHAT WOULD BE A PERFUNCTORY REVIEW BY LAW. COUNCILMEMBER LEFFINGWELL.

Leffingwell: JUST QUICKLY, MY SECOND WAS BASED ON THE ASSUMPTION THAT OF COURSE FIRST READING ONLY, AND THAT THE SUBSEQUENT READINGS WILL ADDRESS THE CO'S THAT WE CALLED OUT AND THE RESTRICTIVE COVENANT. WAS THAT YOUR INTENTION, COUNCILMEMBER?

Dunkerley: ABSOLUTELY. AS MANY AS WE CAN GET AGREEMENT ON. IT LOOKED LIKE MOST OF THEM, BOTH SIDES AGREED TO. PERHAPS SOME THOUGHT ABOUT ONE OF THEM, BUT THAT SHOULD COME BACK WITH SECOND READING. OKAY?

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I'M PICKING UP A LOT OF WILLINGNESS TO WORK TOGETHER AND I THINK THAT'S GOING TO BE A VERY

HEALTHY THING BECAUSE IT PROPOSAL, IT APPEARS PRETTY GOOD, APPEARS VERY GOOD, BUT IT DOES REPRESENT A RADICAL CHANGE IN THE CHARACTER OF THAT NEIGHBORHOOD, WHICH IS NOT NECESSARILY A BAD THING, BUT IT IS SOMETHING THE NEIGHBORS SHOULD HAVE INPUT ON BECAUSE IT IS THEIR STREET. IT'S VERY IMPORTANT TO ME THAT WE HAVE THAT VERY OPEN DIALOGUE AND THE CAUSES AFFECTS SO MANY PEOPLE IN THEIR OWN HOMES, THEIR OWN PROPERTY VALUES, THEIR OWN DECISIONS ON LIVING ON THAT STREET, I'M REALLY GOING TO BE LOOKING TO SEE THAT WE DO HAVE THAT SEQUENCE CONSEQUENCE DEVELOPED SO THAT WE CAN GET THAT TRUST. I HAVE A LOT OF TRUST AND EXPERIENCE WITH THE PEOPLE WHO ARE DESIGNING THIS AND A LOT OF CREDIBILITY, BUT I DON'T KNOW THE OWNERS AND THEY APPEAR TO BE FROM -- THEY WILL NOT BE RESIDENTS, THEY WILL BE INVESTORS, BUT THAT'S FINE. THAT'S WHY IT'S SO IMPORTANT THAT WE GET ALL THESE DETAILS NAILED DOWN BECAUSE AFTER IT'S ALL DONE THE FOLKS WILL STILL BE LIVING ON THAT STREET, AND SO THEY DESERVE A LOT OF SAY SO IN WHAT HAPPENS IN THE CHARACTER OF THEIR NEIGHBORHOOD.

Mayor Wynn: THANK YOU. YES?

MAR SI MORRISON WITH THE CITY LAW DEPARTMENT. I JUST WANTED TO MAKE IT CLEAR TO THE COUNCIL THAT SOME OF THESE CAN BE IN A CO, THE 20 UNITS, THE ACCESS, AND THE BUFFER. AS FAR AS THE TREES, I BELIEVE THAT CAN BE A PUBLIC RESTRICTIVE COVENANT. AS FAR AS NO VARIANCES, I BELIEVE IT WOULD HAVE TO BE A PRIVATE RESTRICTIVE COVENANT BETWEEN THE NEIGHBORHOOD AND THE LANDOWNER.

WE'LL BRING THIS BACK FOR SECOND READING AND WE'LL ASK THE APPLICANT TO PROPOSE THE CONDITIONAL OVERLAYS AND WE'LL WORK WITH THE APPLICANT. AS MAR SI SAID, SOME MAY HAVE TO BE IN A PRIVATE COVENANT THAT CAN'TING PLACED IN A PRIVATE COVENANT. WE'LL SHARE THAT WITH YOU, WE'LL THAT WITH THE NEIGHBORHOOD AND WHATEVER DECISION IS MADE AT SECOND READING WE'LL MOVE FORWARD AND FINALIZE THE COVENANTS AND ORDINANCES FOR FINAL RIDE REEDING

AND THIRD READING IF EVERYTHING GOES WELL AT SECOND READING.

Mayor Wynn: COUNCILMEMBER KIM?

Kim: I THINK THIS IS A REASONABLE COMPROMISE AND THAT IT ALLOWS US TO PRESERVE THE OAK TREES ON THE PROPERTY AND ALSO PROVIDE MORE HOME OWNERSHIP OPPORTUNITIES FOR THE NEIGHBORHOOD. IT'S INTEGRATED WELL INTO THE NEIGHBORHOOD AND I LEARNED SOMETHING NEW ABOUT WATER METERS TO SF-6 ZONING VERSUS SF-3. SO THAT'S ANOTHER AREA WHERE WE CAN EXPLORE OPPORTUNITIES THERE FOR EFFICIENCIES. BUT I'LL BE SUPPORTING THE MOTION FOR SF-6.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? IF NOT, ALL THOSE IN FAVOR OF THE MOTION, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU VERY MUCH.

THANK YOU, MAYOR AND COUNCIL. OUR NEXT ZONING ITEM IS ITEM Z-11, CASE C-14-05-0163, LANDRUM 4. THIS IS A PROPERTY AT 601 WEST APPLE GATE DRIVE. IT IS A REZONING REQUEST FROM SF-2 OR SINGLE-FAMILY RESIDENCE STANDARD LOT ZONING TO CR OR COMMUNITY RECREATION ZONING. THE ZONING AND PLATTING COMMISSION WAS TO GRANT CR-CO OR COMMUNITY RECREATION CONDITIONAL OVERLAY ZONING. THE ZONING AND PLATTING COMMISSION'S RECOMMENDATION WAS WITH SEVERAL CONDITIONS. ONE, THAT THE EQUIPMENT -- RECREATIONALAL EQUIPMENT BE IN TORJ, IT'S THE ONLY USE. AND TOWNHOUSE, CONDOMINIUM DISTRICT USES AND SITE DEVELOPMENT STANDARDS, LIMIT ACCESS TO THE DRIVEWAY PREVIOUSLY PROPOSED -- PREVIOUSLY CONSIDERED ON MOTHERALL DRIVE WHICH WAS VACANTED, AND THAT THE APPLICANT PROVIDE A VEGETATIVE BUFFER ALONG APPLE GATE DRIVE, AND THE SITE HAS BEEN LIMITED TO LESS THAN 300 VEHICLE TRIPS PER DAY ABOVE THE EXISTING TRIP GENERATION. THE STAFF RECOMMENDATION FOR THIS PROPERTY WAS SF-6 AND THE PROPERTY IS

CURRENTLY A USE FOR AUTO STORAGE AND ACTUALLY WAS RED TAGGED BY THE CITY WHICH WAS THE REASON WHY THIS CASE WAS BROUGHT BEFORE YOU ON A ZONING COMPLAINT. THE APPLICANT'S AGENT HAS TOLD ME THAT THAT HAS SINCE BEEN CLEAR, BUT THE CASE NEEDED TO MOVE FORWARD ANYWAY IN ORDER TO ALLOW FOR THE FUTURE DEVELOPMENT OF THE PROPERTY. AND THAT WOULD BE FOR THE STORAGE OF RECREATIONAL VEHICLES AND BOATS. THE PROPERTY IS ADJACENT TO SINGLE-FAMILY ZONING AND SINGLE-FAMILY USES TO THE NORTH AND ALSO TO THE EAST. TO THE SOUTH IS AN EXISTING APARTMENT PROJECT. AND TO THE WEST IS AUTO RELATED USES. THE PROPERTY IS JUST UNDER ONE ACRE IN SIZE AND THE CO ZONING JUST HAD SOME MORE RESTRICTIVE LIMITATIONS AS FAR AS SITE DEVELOPMENT THAN THE ORIGINAL GR ZONING. AND LET ME JUST MENTION A FEW. THE HEIGHT LIMITATION IS 40 FEET INSTEAD OF 60 FEET IN THE GR. THE ADJACENT SINGLE-FAMILY ZONING NEARBY ALLOWS A HEIGHT OF 35 FEET. THE IMPERVIOUS COVER ALLOWED THAT'S UNDER THE CO DISTRICT IS 60 FEET. AND THE BUILDING COVERAGE IS ONLY 25 PERCENT ON THE IMPERVIOUS COVER OR BUILDING COVERAGE. I'D LIKE TO POINT OUT -- YOU DON'T SEE A LOT OF THE CR DISTRICT ZONING. THE COMMERCIAL RECREATIONAL DISTRICT IS A DISTRICT THAT'S DESIGNATED FOR COMMERCIAL OR RECREATIONAL USES THAT SERVES VISITORS TO MAJOR RECREATIONAL AREAS, INCLUDING LAKE TRAVIS AND LAKE AUSTIN. THE SITE DEVELOPMENT REGULATIONS APPLICABLE TO THE CR USE -- CR DISTRICT USE ARE DESIGNED TO MINIMIZE VISUAL AND ENVIRONMENTAL DISRUPTIONS ALONG SCENIC VIEWS. MOST OF THE TIME WE SEE THIS TYPE OF ZONING ALONG LAKE AUSTIN, ADJACENT TO LAKE TRAVIS AND MAINLY OUT NEAR THE LAKE SYSTEMS OF THE HIGHLAND LAKES. THERE ARE PROPERTY OWNERS THAT ARE IN FAVORED AND THERE ARE PROPERTY OWNERS THAT ARE OPPOSED TO THIS REZONING REQUEST, AND WITH THAT I'LL PAUSE AND IF YOU HAVE ANY QUESTIONS, I'LL BE HAPPY TO ANSWER THEM FOR YOU AT THIS TIME. THE ORDINANCE IS ONLY READY FOR FIRST READING TODAY.

Mayor Wynn: QUESTIONS FOR STAFF, COUNCIL? IF NOT, WE'LL TAKE UP THE PUBLIC HEARING, WE'LL START WITH THE FIVE-

MINUTE PRESENTATION FROM THE OWNER OR AGENT.  
WELCOME MR. JIM BENNETT.

MAYOR AND COUNCIL, I'M JIM BENNETT AND I'M HERE TONIGHT ON BEHALF OF MR. LANDRUM'S REQUEST FOR CR ZONING. AS HE INDICATED TO YOU, YOU DON'T SEE CR ZONING VERY MUCH BEFORE COUNCIL, HOWEVER, THE ONLY PLACE THAT BY CODE THAT YOU CAN LEGALLY STORE RV'S AND BOATS IS IN THE CR ZONING. EVEN THOUGH YOU USUALLY THINK OF THE CR ZONING BEING ON THE WATERWAYS, WHEN YOU FIND A PLACE IN WHICH THE CODE DOESN'T ALLOW YOU TO STORE IN YOUR HOME, REQUIRES A CR ZONING. WE FIRST WENT TO THE PLANNING COMMISSION WITH THIS APPLICATION FOR GR ZONING AND THEN WE AMENDED IT TO CR, THE COMMERCIAL RECREATION, SO THAT WE COULD HAVE THE RV AND BOAT STORAGE AT THIS LOCATION. MR. GUERNSEY INDICATED TO YOU IT'S CURRENTLY BEING USED FOR AUTOMOTIVE REPAIR FACILITIES. IT WAS UNDER A RED TAG AT ONE TIME BECAUSE THE MOST EASTERLY LOT WAS ALSO BEING USED TO STORE VEHICLES. SINCE THEN THE CITY STAFF HAS INDICATED TO US THAT THAT RED TAG HAS BEEN REMOVED AND THAT WE ARE IN COMPLIANCE WITH THE CODE. ADDITIONALLY, COUNCIL, AT THE PLANNING COMMISSION HEARING, THE FIRST HEARING WE HAD, WE HAD APPROACHED THE NEIGHBORS ABOUT WHAT WE WERE PROPOSING TO DO, AND ONE, IF NOT MORE THAN THE COMMISSION MEMBERS, HAD A QUESTION ABOUT WHETHER OR NOT THE PEOPLE THAT ARE ON THE COLORED SLIDE BEFORE YOU ACTUALLY UNDERSTOOD WHAT THE CASE WAS ABOUT. THERE IS A STRONG PRESENCE, HISPANIC PRESENCE IN THE NEIGHBORHOOD, SO AS A RESULT OF THAT SUGGESTION BY THE COMMISSION, WE HIRED AN INTERPRETER TO GO OUT AND VISIT WITH THE NEIGHBORS, AND WE ALSO SENT OUT A SPANISH EDITION OF WHAT WE WERE PROPOSING TO DO. AND THE COLORED AREAS THAT YOU'RE LOOKING AT ON THE SCREEN INDICATE BOTH WHERE THE PROPERTY OWNER SUPPORTED IT AND IN THE CASE WHERE YOU HAVE THE DUAL COLORS, WHERE THE ACTUAL TENANT OF THE PROPERTY SUPPORTED THE REQUEST. SO AS YOU CAN SEE, BASICALLY WE HAVE THE MAJORITY OF THE PEOPLE AROUND THERE THAT ARE IN

SUPPORT OF THIS REQUEST. ADDITIONALLY, COUNCIL, IF YOU UNDERSTAND THE ORDINANCE ITSELF AND THE SITE DEVELOPMENT REGULATIONS THAT ARE REQUIRED FOR THIS CR ZONING THAT WE'RE PROPOSING, WE'RE PROPOSING TO BUILD A BUILDING WITH THE CONDITION OF 18-FOOT MAXIMUM HEIGHT, EVEN THOUGH THE CODE WOULD ALLOW 40. WE'RE RESTRICTING THE USE ONLY TO RV AND BOAT STORAGE. THERE ARE ONLY ABOUT FIVE OR SIX USES THAT ARE PERMITTED IN THE CR ZONING. WE'VE AGREED TO ELIMINATE THOSE OTHER USES -- TO ELIMINATE THOSE OTHER USES SO THAT THE ONLY USE WOULD BE THE RV BOAT AND STORAGE. WE'VE AGREED ALSO TO FENCE THE PROPERTY AND DO LANDSCAPING BETWEEN THE PROPERTY LINE AND THE STREET AS WELL AS ONLY HAVING ONE DRIVEWAY WHICH WILL BE FROM THAT VACATED PORTION OF MOTHERALL, WHICH IS THE MOST WESTERN PORTION OF THE SITE. AND WE'VE AGREED TO LIMIT THE TRIPS TO 300 TRIPS A DAY. QUITE FRANKLY, COUNCIL, I DON'T THINK WE'LL NEED 300 TRIPS A DAY BECAUSE IT'S NOT LIKE AN OFFICE OR SOMETHING WHERE YOU HAVE EVERYBODY COMING AND GOING AT ONE TIME. IF YOU HAVE A BOAT, YOU TAKE IT AND GO TO THE LAKE OR IF YOU HAVE AN RV YOU TAKE IT AND GO ON A TRIP. SO WE DON'T THINK IT WILL GENERATE 300 TRIPS A DAY, AND PERHAPS THAT COULD BE RECONSIDERED AND REDUCED. IN TALKING WITH THE NEIGHBORHOOD ASSOCIATION, WE DID MEET WITH THEM AND TELL THEM OF OUR PLANS AND WHAT WE PROPOSED TO DO. THEY HAD A SUBSEQUENT VOTE ON IT AND THE ASSOCIATION DID ELECT NOT TO SUPPORT THIS REQUEST. AS A RESULT OF THAT, THAT'S WHEN WE CONTACTED ALL THE NEIGHBORS THAT YOU SEE BEFORE YOU. COUNCIL, WHEN YOU CONSIDER THE ADDITIONAL SITE DEVELOPMENT REGULATIONS THAT MR. GUERNSEY JUST INFORMED YOU OF THAT DO EXIST IN THE CR ZONING, GIVEN THE FACT THAT THE PROPERTY IS CURRENTLY USED FOR AN AUTOMOTIVE REPAIR FACILITY, IT WOULD BEHOOVE ME WHY SOMEONE WOULDN'T WANT TO GET RID OF THE AUTOMOTIVE REPAIR FACILITY, PUT IN THIS LOW PROFILE USE, LOW TRIP GENERATOR, LOW NOISE, SUBJECT TO COMPATIBILITY, NOT WANT THAT RATHER THAN THE AUTOMOTIVE REPAIR FACILITY. WE WOULD REQUEST THAT COUNCIL CONSIDER THE CR ZONING WITH THE

UNDERSTANDING OF THE CR ZONING PROBABLY BEING THE MOST RESTRICTIVE FORM OF COMMERCIAL TYPE ZONING AS FAR AS USES AND SITE DEVELOPMENT REGULATIONS THAT EXIST IN YOUR LAND DEVELOPMENT CODE. SO IN OUR OPINION, TO DO AWAY WITH THE CURRENT USE AND BUILD IT TO THE CURRENT CODE IS A LOT BETTER DEAL. [ BUZZER SOUNDS ] I'LL BE AVAILABLE SHOULD YOU HAVE ANY QUESTIONS.

Mayor Wynn: THANK YOU, MR. BENNETT. I'LL NOTE THAT SHAW HAMILTON ALSO SIGNED UP IN FAVOR. YES, COUNCILMEMBER LEFFINGWELL.

Leffingwell: THE PLANNING COMMISSION OR THE ZAP'S RECOMMENDATION WAS CR-CO WITH BOAT STORAGE BEING THE ONLY PERMITTED CR USE, IS THAT CORRECT?

THAT WAS THE ZONING AND PLATTING COMMISSION RECOMMENDATION, YES. >>

Leffingwell: ZONING AND PLATTING COMMISSION. AND THAT'S WHAT YOU WANT, CORRECT?

YES, SIR.

Mayor Wynn: MR. BENNETT, AND JUST FOR THE RECORD, COUNCIL, MONA NOEL HAS SIGNED UP WISHING TO SPEAK ONLY IF WE HAVE QUESTIONS. AND HER STANCE IS NEUTRAL.

[ INAUDIBLE ].

Mayor Wynn: IT SAYS HERE NEUTRAL, BUT WOULD YOU CARE TO ADDRESS US, MS. NOEL?

I SURE WILL.

Mayor Wynn: WELCOME. YOU WILL HAVE THREE MINUTES.

MY NAME IS MONA NOEL. I LIVE AT 300 WEST APPLE GATE, WHICH IS DIRECTLY ACROSS FROM THE SITE IN QUESTION. AND MY ONLY QUESTION TO Y'ALL IS WOULD Y'ALL WANT TO LIVE ACROSS FROM STORAGE FACILITIES WHEN YOU

ACTUALLY HAVE A HOME IN A RESIDENTIAL NEIGHBORHOOD. AND AS PRESIDENT OF THE NEIGHBORHOOD ASSOCIATION, WE ARE WORKING EXTREMELY HARD TO CLEAN UP THE NEIGHBORHOOD, MAKE ALL ZONING WEST OF APPLE GATE AND OUR ROADS ARE SO SMALL WE HAVE NO CURBS, WE HAVE NO DRAINAGE, AND I JUST DON'T BELIEVE THAT APPLE GATE IS ACCESSIBLE FOR ANY TYPE OF LARGE VEHICLES ON A DAILY BASIS. AND I'M JUST TOTALLY AGAINST IT. ANY QUESTIONS FOR ME?

Mayor Wynn: QUESTIONS FOR MS. NOEL, COUNCIL? THANK YOU, MA'AM. ARE THERE ANY OTHER CITIZENS THAT WOULD LIKE TO ADDRESS US ON THIS ZONING CASE, PUBLIC HEARING Z-11? HEARING NONE, MR. BENNETT, TECHNICALLY YOU WOULD HAVE A ONE-TIME THREE-MINUTE REBUTTAL.

VERY BRIEF, MAYOR. WE THINK THIS ALSO MEETS THE NEIGHBORHOOD'S GOALS IN CLEANING UP THEIR NEIGHBORHOOD WHEN YOU'RE DOING AWAY WITH A KNOT SO CLASS SI AUTOMOTIVE REPAIR FACILITY AND PUTTING IN THIS NEW STRUCTURE WHICH IS QUIET. RELATIVE TO THE TRIP GENERATION, IF THE COUNCIL WILL LOOK FOR 150 TRIPS A DAY, THAT WOULD PROBABLY BE MORE THAN A WHAT WE WOULD NEED FOR THIS USE. THERE WOULD BE NO NEED FOR ANY OF THIS TRAFFIC TO GO THROUGH THE NEIGHBORHOOD. IT WOULD PRESUME THAT IT WOULD COME FROM LAMAR. ONE SITE REMOVED FROM LAMAR AND THEN BACK OUT TO LAMAR SHOULD THEY WANT TO TAKE THEIR VEHICLE OUT OF THE SITE. SO THAT SHORT HALF OR ONE LOT SITE THAT WOULD BE INTERFERED AS FAR AS ANY TRAFFIC GOES TO IT. THANK YOU.

Mayor Wynn: THANK YOU, MR. BENNETT. QUESTIONS, COUNCIL, COMMENTS? MR. GUERNSEY OR JUST A QUESTION FOR STAFF? SO THE ZONING AND PLATTING COMMISSION RECOMMENDATION WAS A CR-CO, AND I GUESS THE CO BEING REMOVING ALL OTHER USES BUT THIS STORAGE USE AND ALSO RESTRICTING TRIPS PER DAY, CORRECT?

THAT'S CORRECT. THEY ALSO INDICATED THERE WOULD BE SF-6 SITE DEVELOPMENT STANDARDS, ALTHOUGH SOME OF THE SITE DEVELOPMENT STANDARDS OF THE CR DISTRICT MAY ACTUALLY BE MORE RESTRICTIVE. THE PERMIT SF-6,

TOWNHOUSE CONDOMINIUM DISTRICT USES, THERE ARE MANY RESIDENTIAL USES THAT ARE NOT PERMITTED IN THE CR DISTRICT, BUT THERE ARE CIVIC USES THAT ARE ALLOWED, SO THOSE CIVIC USES WOULD BE INCLUDED IN THE CR DISTRICT. AND THOSE WOULD BE THE COMMON USES BETWEEN THE SF-6 AND THE CR DISTRICT.

Mayor Wynn: YOU SAID THIS EARLY EARLY, BUT WHAT THE STAFF RECOMMENDATION?

THE STAFF RESMITION WAS TO GRANT SF-6 TOWNHOUSE CONDOMINIUM RESIDENCE DISTRICT ZONING. WE SAW IT AS MORE OF AN ISSUE OF YOU HAVE SINGLE-FAMILY TO THE NORTH, SINGLE-FAMILY TO THE EAST, BOTH IN SF-3 AND SF 2 TYPES OF ZONING. TO THE SOUTH YOU HAVE AN APARTMENT COMPLEX. AND SO WE SAW THIS AS A KIND OF TRANSITION AREA WITH A MULTI-FAMILY TO THE SOUTH AND SINGLE-FAMILY NORTH AND THEN GOING AS THE NEIGHBORHOOD REPRESENTATIVE MENTIONED, COMMERCIAL USES THAT ARE MAINLY WEST OF MOTHERALL. PREDOMINANTLY THE USES TO THE EAST OF MOTHERALL ARE ALL SINGLE-FAMILY RESIDENTIAL AND THOSE YIEWS ACTUALLY TIE BACK TO AN OLD ZONING STUDY THAT WAS DONE WAY BACK IN THE '80'S CALLED THE MOCKINGBIRD HILL AREA STUDY, WHICH PRETTY MUCH LAID OUT ALL THE ZONING THAT YOU SEE TODAY IN THIS NEIGHBORHOOD. IT WAS ALL DONE AS PART OF A SINGLE ZONING STUDY BACK AT THAT TIME.

Mayor Wynn: THANK YOU, MR. GUERNSEY. QUESTIONS, COMMENTS?

I THINK MR. BENNETT WOULD LIKE TO OFFER SOME ADDITIONAL RESTRICTIONS. IF THE COUNCIL INTENTS TO GRANT THE ZAP RECOMMENDATION WITH FURTHER RESTRICTIONS OFFERED BY MR. BENNETT.

MR. BENNETT?

MAYOR, IF I MAY, WE TOLD THE COMMISSION, AND I JUST ASKED GREG IF IT WAS PART OF THEIR MOTION OR NOT, BUT WE DID AGREE TO LIMIT THE HEIGHT OF THE BUILDINGS TO 18 FEET. WE ALSO RESTRICTED IT TO THE RV BOAT AND

STORAGE USE. AND THAT WE ONLY HAVE ONE DRIVEWAY -- THAT WE ONLY HAVE ONE DRIVEWAY ON TO APPLGATE COMING FROM THE VACATED MOTHERALL STREET. AND THAT WE WOULD LIMIT THE TRIPS TO 300 TRIPS A DAY. APPARENTLY ALL OF THOSE THINGS, ACCORDING TO GREG, DIDN'T GET THIS IN THEIR MOTION, BUT WE DID OFFER THEM TO THE COMMISSION.

THE ACCESS LIMITATION WAS PART OF THE MOTION, THE TRIP LIMITATION, BUT IT DID NOT NOTE THE HEIGHT LIMITATION OF 18 FEET.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: I HAVE TWO QUESTIONS REALLY. WHAT'S ON THE WEST SIDE. AND MY SECOND QUESTION IS THERE SOME TYPE OF SCREENING? ARE THE NEIGHBORS ACROSS THE STREET GOING TO BE LOOKING AT STORED BOATS AND RV'S?

THE CR DISTRICT HAS A SCREENING REQUIREMENTS, SO THERE WOULD BE A SCREEN PROVIDED FROM THE NORTH. ALSO, YOU WOULD HAVE COMPATIBILITY STANDARDS THAT WOULD ALSO BE TRIGGERED BY THE PROPERTIES TO THE NORTH AND TO THE EAST IF THEY HAD A MECHANICAL EQUIPMENT, IT WOULD HAVE TO BE SCREENED, IF THEY HAD THE ACTUAL VEHICLE STORAGE THEMSELVES OR SCREENING REQUIREMENTS. THERE'S EVEN SCREENING REQUIREMENTS TO HAVE MEDIANS BETWEEN PARKING AREAS IN THE CR DISTRICT BECAUSE IT'S REALLY MORE IN AREAS WHERE TYPICALLY THERE ARE SCENIC VIEWS. THE USE TO THE WEST IS AN AUTO USE AND CURRENTLY THE ZONING ON THAT PROPERTY IMMEDIATELY TO THE WEST IS INDUSTRIAL.

Leffingwell: THE PROPERTY IMMEDIATELY ABUTTING TO THE WEST IS INDUSTRIAL?

IMMEDIATELY TO THE WEST IS INDUSTRIAL.

Leffingwell: AND THE SCREENING, PEOPLE ACROSS THE STREET WOULDN'T BE ABLE TO SEE ANY BOATS OR RV'S.

LET ME READ THE SCREENING REQUIREMENT TO YOU.

THE STORAGE AREA WOULD BE REQUIRED TO BE SCREENED IN ACCORDANCE WITH THE ENVIRONMENTAL CRITERIA MANUAL, EXCEPT FOR WATERCRAFT. THERE'S ALSO A SCREENING REQUIREMENT THAT SPEAKS TO EXCEPT ALONG A PROPERTY LINE ZONED FOR RESIDENTIAL USE. LANDSCAPE AREAS OF AT LEAST 10 FEET WIDE ARE REQUIRED ADJACENT TO PUBLIC STREETS, AND THE PROPERTY ZONED FOR RESIDENTIAL USES. LANDSCAPE AREAS MUST CONTAIN TREES, SHRUBS AND GROUND COVER. SO THAT'S TYPE OF --

Leffingwell: THAT'S THE SCREEN? THEY WOULD HAVE TO HAVE A 10-FOOT VEGETATIVE BUFFER, PLUS A STRUCTURAL, A FENCE OR SOMETHING LIKE THAT?

THERE WOULD HAVE TO BE A BUFFER, NOT NECESSARILY IN FRONT. MR. BENNETT MAY PROVIDE SCREENING ABOVE AND BEYOND THAT REQUIREMENT.

COUNCILMEMBERS, WE DID ADDRESS THE SCREENING AT THE ZONING AND PLATTING COMMISSION AND WE AGREED ALONG THE APPLE GATE TO PUT THE LANDSCAPING AND THEN THE FENCE.

Leffingwell: IS THAT FACING SOUTH?

THAT WOULD BE ON THE NORTH PROPERTY LINE. WHERE THE HOMES ARE ACROSS THE STREET. TO THE EAST OF US WE'RE REQUIRED ON THE COMPATIBILITY STANDARDS TO PUT A FENCE AND SET BACK AS WELL. TO THE SOUTH A FENCE IS NOT REQUIRED, BUT WE WOULD FENCE THAT AS WELL JUST FOR SECURITY PURPOSES. AND AS WELL ON THE WEST SIDE,, SO THE ENTIRE AREA WOULD BE FENCED.

Leffingwell: PRIVACY FENCE?

EXCEPT FOR THE ENTRANCE INTO THE FACILITY, YES.

UNDER YOUR CODE A PRIVACY FENCE WOULD TAKE THE LOOK OF WHAT WE CALL A SALAD FENCE.

Mayor Wynn: I'M SORRY, MR. GUERNSEY. YOU SAID THIS EARLIER. THE CURRENT USE OF THIS TRACT OF LAND?

IT WAS -- THERE'S SOME CARS, I BELIEVE, THAT WERE STORED ILLEGALLY ON THE PROPERTY. ZONING CASE WAS ORIGINALLY SUBMITTED BECAUSE OF A ZONING VIOLATION. MR. BENNETT HAS INDICATED THAT THAT ZONING VIOLATION HAS BEEN CURED, BUT THE PROPERTY IS CURRENTLY ZONED SINGLE-FAMILY.

Mayor Wynn: SF-2, BUT ESSENTIALLY NO USE ON THERE NOW.

THERE'S NO USE ON THERE PRESENTTY.

JIM HAS INDICATED THERE'S AN AUTOMOTIVE USE HAD THERE THAT'S THERE CURRENTLY.

Mayor Wynn: IS THAT LEGAL NONCONFORMING?

YES.

Mayor Wynn: IF IT'S ZONED SF-2?

MAYOR, THE CITATION WE HAVE FOR THE CITY IS THE LOT THAT WASN'T PERMITTED BY CODE. THAT WOULD BE LOT 3. THAT VIOLATION HAS BEEN REMOVED FROM THAT VACANT PORTION OF THE SITE. THE SITE THAT WAS DEVELOPED COMMERCIALY BEFORE IT WAS ANNEXED INTO THE CITY, SO IT'S A LEGAL NONCONFORMING USE ON THE REST OF THE SITE.

Mayor Wynn: AND THAT'S BEING USED AS?

AN AUTOMOTIVE REPAIR FACILITY.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? COMMENTS, QUESTIONS OR MOTIONS? STAFF RESMTION SF-6, ZAP RECOMMENDATION CR-CO. COUNCILMEMBER ALVAREZ.

Alvarez: SO MANY CONDITIONS FLOATING AROUND, I'M NOT SURE HOW TO CAPTURE ALL OF THEM. I BELIEVE MAYBE BY STARTING WITH THE PLANNING COMMISSION RECOMMENDATION, AND I DON'T KNOW IF YOU COULD --

SORRY? ZONING AND PLATTING COMMISSION  
RECOMMENDATION. AND ADDING SOME OF THE CONDITIONS  
THAT MR. BENNETT MENTIONED ABOUT THE HEIGHT AND  
THE TRIPS PER DAY. DID YOU WRITE THOSE DOWN OR  
SHOULD I HAVE MR. BENNETT --

THE ZONING AND PLATTING COMMISSION, WHAT I THINK MR.  
BENNETT HAS OFFERED IS A HEIGHT LIMITATION OF 18 FEET.  
AND THEN ALSO AGREE TO PROVIDE A SOLID FENCE  
AROUND THE PERIMETER OF THE PROPERTY I GUESS OF A  
MINIMUM THE AT LEAST SIX FEET ADJACENT TO THE  
RESIDENTIAL PROPERTY ALSO ALONG THE FRONT PORTION  
OF THE PROPERTY IN AN AREA THAT IS SOUTH OF THE 10-  
FOOT LANDSCAPE AREA THAT'S REQUIRED BY THE CODE  
FOR SCREENING. AND AGAIN, HE REITERATES THAT HE'S  
RESTRICTING USE TO RECREATIONAL EQUIPMENT AND  
MAINTENANCE AND STORAGE AS SPECIFIED BY THE ZONING  
AND PLATTING COMMISSION. WE COULD NOT LIMIT IT TO A  
SINGLE USE, SO WE WOULD HAVE TO ADD BACK IN AS  
ZONING AND PLATTING COMMISSION SUGGESTED, TO  
PERMIT THE SF-6 USES, WHICH PROBABLY WOULD TAKE THE  
FORM OF MORE CIVIC USES BECAUSE THE RESIDENTIAL  
USES ARE NOT COMMON TO THE CR DISTRICT AND THE SF-6  
DISTRICTS. JIM HAD MENTIONED JUST NOW THAT HE STILL  
AGREES TO THE LIMIT OF THE ONE DRIVEWAY ACCESS TO  
MOTHERALL DRIVE, THE VACATED MOTHERALL DRIVE. SO  
ESSENTIALLY IT'S THE ZONING AND PLATTING COMMISSION  
RECOMMENDATION WITH THE 18-FOOT HEIGHT LIMITATION  
AND THE SIX-FOOT SOLID FENCE AROUND THE PERIMETER  
OF THE PROPERTY, EXCEPT ALONG APPELEGATE, WHICH  
WOULD BE BUILT 10 FEET OFF THE FRONT PROPERTY LINE  
WITH THE LANDSCAPING IN FRONT OF IT. >>

Alvarez: AL AND THE DRIVEWAY ACCESS IS ALREADY IN THE  
ZAP RECOMMENDATION?

LIMITED ACCESS TO THE DRIVEWAY PREVIOUSLY  
CONSIDERED MOTHERALL DRIVE, THE VACATED MOTHERALL  
DRIVE. SO THAT LIMITATION IS ALREADY PART OF THE  
ZONING AND PLATTING COMMISSION RECOMMENDATION.

Alvarez: WHAT I WOULD MOVE, MAYOR, IS THAT WE APPROVE  
THE ZONING AND PLATTING COMMISSION

RECOMMENDATION WITH TWO ADDITIONAL CONDITIONS, ONE BEING THE 18-FOOT HEIGHT LIMIT AND THE OTHER BEING THE FENCING REQUIREMENT AS OUTLINED BY MR. GUERNSEY. THERE'S NO WAY I CAN REPEAT IT.

SIX-FOOT SOLID FENCE ON ALL FOUR SIDES WITH A SOLID FENCE BEING 10 FEET OFF THE NORTH PROPERTY LINE, EXCEPT FOR THE ACCESS GATE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER LEFFINGWELL TO APPROVE ON -- CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY, ZONING AND PLATTING COMMISSION RECOMMENDATION WITH ADDITIONAL CONDITIONS AS OUTLINED BY HE AND MR. GUERNSEY. I'LL SECOND THAT. FURTHER COMMENTS? COUNCILMEMBER KIM.

Kim: I FEEL THE RECREATIONAL BOAT STORAGE IS APPROPRIATE FOR THIS AREA RIGHT NEXT TO THE NEIGHBORHOOD, SO I WON'T BE SUPPORTING THE MOTION. IS NOT APPROPRIATE.

Mayor Wynn: THANK YOU, FURTHER COMMENTS, QUESTIONS? HEARING NONE, I'LL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

NO.

Mayor Wynn: MOTION PASSES ON FIRST READING ONLY ON A VOTE OF SIX TO ONE WITH COUNCILMEMBER KIM VOTING NO. MR. GUERNSEY?

THAT MOVES US ON TO THE NEXT ZONING ITEM, ITEM NUMBER Z-12, C-14-05-0198, THE HIGHLAND CENTER AT 2101 TO 2117 WEST BEN WHITE BOULEVARD. THIS IS A REZONING REQUEST FOR MULTI-FAMILY. THE ZONING AND PLATTING COMMISSION WAS TO GRANT LIMITED OFFICE OR LO DISTRICT ZONING. THIS PROPERTY IS LOCATED AT THE CORNER OF CACTUS LANE AND RED STREET. THE MAJORITY OF THE PROPERTY ALSO FRONTS ON BEN WHITE PLFERD

AND THIS IS -- BOULEVARD. AND THIS WOULD BE AN AREA THAT'S JUST NORTH OF JOS LIEN PARK AND JOCELYN ELEMENTARY SCHOOL. THE PROPERTY TO THE EAST IS AN EXISTING GROCERY STORE AND THERE'S A CHURCH PROPERTY THAT LIES JUST BEYOND THAT. TO THE WEST IS THE AREA THAT'S BEING REZONED OR SOME OFFICE BUILDINGS. THE PROPERTY CONSISTS OF APPROXIMATELY 2.92 ACRES OF LAND. THE ZONING AND PLATTING COMMISSION RECOMMENDATION AGAIN WAS FOR LR DISTRICT ZONING. AND THE STAFF RECOMMENDATION WAS FOR LR-CO DISTRICT ZONING. THIS ZONING WAS ORIGINALLY CREATED BACK IN THE '60S, AND AT THAT TIME YOU ARE ALLOWED TO PROVIDE PARKING IN A MULTI-FAMILY DISTRICT. BACK THEN IT WAS PROBABLY A B DISTRICT OR A BB DISTRICT AS A SEMI PUBLIC PARKING LOT, I BELIEVE. AND IT WAS USED KIND OF AS AN AREA IN SOME ZONING CASES TO STEP DOWN. IT WOULD NOT ALLOW PRINCIPAL USES TO GO IN THAT AREA, BUT IT WOULD ALLOW THE ACCESSORY PARKING FOR THAT USE. AND SO YOU HAVE THE GR STEPPING DOWN TO THE MF-3. THE PROPOSED USE IS AN AUTOMOTIVE RELATED USE THAT WOULD REQUIRE GR ZONING, AND THE AGENT IS HERE TO SPEAK TO THE REQUEST. THERE ARE PROPERTY OWNERS THAT HAVE SIGNED IN FAVOR OF THIS REQUEST THAT HE HAS BROUGHT WITH ME. ALSO IN YOUR BACKUP IS A MEMO FROM DAN ROBERTSON, DIRECTOR OF PLANNING AT AISD, WHICH IS IN YOUR PACKET THAT SPEAKS TO GENERALLY NOT AN OBJECTION TO THE REQUEST; HOWEVER, WE ALSO HAVE A GENERAL STATEMENT FROM AISD THAT THEY GENERALLY DO NOT ENCOURAGE GR ZONING OR ZONING THAT'S MORE INTENSE THAN LR ADJACENT TO ELEMENTARY SCHOOLS. THE PROPERTY IMMEDIATELY ACROSS THE STREET IS A JOINT AISD AUSTIN PROPERTY FOR JOCELYN PARK. WITH THAT I WILL PAUSE AND BE HAPPY TO ANSWER ANY QUESTIONS IF YOU HAVE THEM.

Mayor Wynn: THANK YOU, MR. GUERNSEY. SO AT THIS TIME WE WILL HAVE OUR PUBLIC HEARING, ALTHOUGH MY MACHINE SHOWS NOBODY SIGNED UP ON THIS ITEM, BUT WE HAVE HAD A LITTLE BIT OF PROBLEM WITH THAT. BUT WELCOME MR. SHAW HAMILTON, WHO WILL GIVE US THE FIVE-MINUTE APPLICANT-AGENT PRESENTATION.

MAYOR, COUNCILMEMBERS, I'LL TRY TO KEEP IT BRIEF. BOTTOM LINE IS THE EXISTING SITE, MAJORITY OF IT IS ZONED GR FROM 65 FEET NORTH OF RED STREET TO BEN WHITE BOULEVARD. THE BUFFER WAS ESTABLISHED BACK IN THE '60S. THEY'VE BEEN APPROACHED FOR AUTOMOTIVE RELATED USES, AND WHEN WE COMPLETE THE ZONING FOR THE ENTIRE SITE. I HAVE NO OBJECTION FROM THE SCHOOL DISTRICT. I'VE TALKED TO THEM. NO OBJECTION FROM THE NEIGHBORHOOD GROUPS. LETTERS IN SUPPORT FROM THE ADJACENT PROPERTY OWNERS. IT SEEMS FAIRLY SIMPLE. DO YOU HAVE ANY QUESTIONS?

Mayor Wynn: THANK YOU, MR. HAMILTON? QUESTIONS OF MR. HAMILTON, THE AGENT? AGAIN, THERE IS NO CITIZENS SIGNED UP EITHER WAY, FOR OR AGAINST. AND AS WE HEARD, WE HAD THE LETTER FROM I GUESS MR. ROBERTSON AT AISD. MR. GUERNSEY? SORRY. WE PROBABLY SAID THIS EARLIER. SO THE STAFF RECOMMENDATION IS WHAT?

THE STAFF RECOMMENDATION WAS FOR LR-CO AND THE ZONING AND PLATTING COMMISSION'S RECOMMENDATION WAS FOR LCHT O. -- LO, LIMITED OFFICE DISTRICT ZONING.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: WAS THIS RELATED TO THE ELEMENTARY SCHOOL PRIMARILY?

I DON'T HAVE THE MINUTES ATTACHED TO THIS, I APOLOGIZE FOR THAT, BUT --

Dunkerley: NO, I MEANT FOR THE STAFF RECOMMENDATION.

THE STAFF RECOMMENDATION FOR THE LR, WE HAD CONCERNS OF JUST STEPPING DOWN TOWARDS THE ELEMENTARY SCHOOL, AND THIS TRACT WAS USED AS A BUFFER. THE STREET, RED STREET, IT'S NOT A VERY LARGE STREET THAT WOULD SUPPORT THE JR TYPE OF USES. WE THOUGHT THE LR WOULD BE MORE APPROPRIATE.

Mayor Wynn: QUESTIONS OF STAFF OR THE AGENT,

COUNCIL? COUNCILMEMBER ALVAREZ.

Alvarez: YES, YOU MENTIONED LETTERS OF SUPPORT FROM SURROUNDING PROPERTY OWNERS. CAN YOU TELL US WHICH PROPERTY OWNERS YOU'RE REFERRING TO. I DON'T KNOW IF WE HAVE A MAP.

IT'S IN THE BACKUP MATERIAL. I'VE GOT RESPONSE FROM FOUR OF THE LANDOWNERS, NO RESPONSE FROM THE OTHER FOUR. ALL IN SUPPORT.

Alvarez: THESE WILL BE THE PROPERTY OWNERS --

THE PROPERTY OWNERS TO THE WEST?

THAT'S THE ONLY PLACE WHERE THERE IS SINGLE-FAMILY USES. THE REST OF THE TRACT IS SURROUNDED IN THE DARKER INK IS COMMERCIAL. THE SCHOOL IS TO THE SOUTH. >>

Alvarez: AND THE ONES WITH THE HASH MARK ARE THE ONES YOU RECEIVED THE LETTER FROM?

IN FAVOR OF. THEY'RE THE ONES THAT I GOT NO RESPONSE, NO OPPOSITION.

Alvarez: THE ONES IMMEDIATELY ADJACENT, WHAT USES ARE THOSE?

WHICH ONES ARE YOU TALKING ABOUT?

Alvarez: IMMEDIATELY TO THE WEST, I GUESS.

THESE ARE ALL COMMERCIAL OFFICE.

Alvarez: OKAY. I JUST WANTED TO MAKE SURE.

Mayor Wynn: ARE THERE COMMENTS, QUESTIONS?  
COUNCILMEMBERCOUNCILMEMBER MCCRACKEN.

McCracken: MR. GUERNSEY, COULD YOU JUST BRIEFLY REEDGE GATE EDUCATE US ON THE DIFFERENCE OF INTENSITY LEVELS BETWEEN NEIGHBORHOOD COMMERCIAL

AND GENERAL COMMERCIAL.

THE GR DISTRICT WOULD ALLOW FOR VEHICLE REPAIR, VEHICLE SERVICE, VEHICLE SALES, AND IT ALSO ALLOWS FOR RESTAURANTS THAT SERVE ALCOHOL, ALTHOUGH THIS PROBABLY IS WITHIN 300 FEET OF THE SCHOOL, SO IT WOULD PROBABLY BE PROHIBITED. IT ALLOWS FOR LARGER TYPES OF RETAIL USES, LIKE FURNITURE STORES AND WOULD ALLOW FOR A PERSONAL IMPROVEMENT SERVICE, LIKE A GOLD'S GYM TYPE FACILITY. IT ALLOWS GENERAL USES THAT ARE MORE COMMUNITY WIDE THAN NEIGHBORHOOD ORIENTED. THE LR DISTRICT AS WELL AS THE GR DISTRICT BOTH WOULD ALLOW PERSONAL SERVICES WHICH ARE DRY CLEANERS, BEAUTY PARLORS, HAIR SALONS, THAT KIND OF THING. ALSO IT WOULD ALLOW REFUSE RAWNTS THAT DON'T SERVE ALCOHOL, MORE OF A FAST FOOD TYPE RESTAURANT. IT WOULD ALSO ALLOW SMALLER RETAIL FACILITIES LIKE CARD SHOPS OR GENERAL RETAIL SHOPS THAT ARE MORE OF A CONVENIENCE NATURE RATHER THAN THE LARGER GENERAL NATURE. IT ALLOWS FOOD SALES, GAS STATIONS, ALSO ALLOWED IN LR AND GR. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

McCracken: I THINK LR WOULD BE A BETTER --

POINT OUT THE ACCESS WILL BE OFF [INDISCERNIBLE] BOULEVARD, PLUS YOU CAN SEE ON THE ROADWAYS THEMSELVES THEY WILL BE ACCESSING -- TO PACK SADDLE. TO GET BACK TO BEN WHITE BOULEVARD, THEY WILL NOT BE GOING THROUGH THE NEIGHBORHOOD WHATSOEVER.

Mayor Wynn: FURTHER COMMENTS? QUESTIONS?  
COUNCILMEMBER ALVAREZ?

Alvarez: IS THIS GOING TO BE COMBINED WITH THE GR USE THAT'S ADJACENT OR IS THIS GOING TO BE A SEPARATE GR USE?

THEY HAVE BEEN APPROACHED TO -- TO USE IT AS USED CAR SALES, JUST TO PARK USED CARS. AND OF COURSELY THERE -- THEIR --

ADJACENT.

YEAH, WILL BE OFF BEAUMONT BOULEVARD. BE TOUGH TO SELL CARS OFF [INDISCERNIBLE]

Alvarez: WHAT -- YOU HAVE -- YOU ARE GOING TO HAVE A FENCE ALONG THE -- THE BACK -- ALONG RED STREET OR --

YOU WILL HAVE COMPATIBILITY REQUIREMENTS AS PART OF ANY KIND OF SITE PLAN APPROVAL.

BECAUSE OF THE SCHOOL?

THAT'S CORRECT.

McCracken: MAYOR, WOULD IT BE POSSIBLE TO DO GR, BACK OUT EVERY ONE OF THE USES EXCEPT FOR SOMETHING THAT WILL LET YOU PARK CARS FOR USED CARS?

THE -- THE VEHICLES THEMSELVES WOULD BE THE PRINCIPAL USE IN THIS CASE, IF IT'S -- IF THEY ARE VEHICLES THAT ARE FOR SALE. SO YOU WOULD NEED A MINIMUM GR ZONING IN ORDER TO ALLOW A USE THAT'S BEING PROPOSED. YOU COULD DO GR WITH A CONDITIONAL OVERLAY AND THEN PROHIBIT ALL OTHER GR USES AND ALLOW LR USES, L.O. USES AS THE REMAINING USES ON THE PROPERTY. THAT IS A -- THIS IS A POSSIBILITY.

McCracken: IF WE COULD DO THAT, HAVE -- YOU KNOW, SOMETHING THAT -- THAT PROVIDES SOME KIND OF, YOU KNOW, LIKE, YOU KNOW, TREE LINING OR SOME KIND OF LANDSCAPE, YOU DON'T WANT A BIG OLD CAR PARKING LOT NEXT TO AN ELEMENTARY SCHOOL. IF WE COULD DO THAT, THAT WOULD BE FINE, SEAN, WILL THAT GET US THERE? OKAY. MAYOR, WHAT I WILL DO IS I WILL MOVE TO -- TO CLOSE THE PUBLIC HEARING AND I GUESS WE ARE READY FOR FIRST READING, IS THAT -- APPROVAL ON FIRST READING, GR -- GR ZONING EXCEPT FOR ALLOW THE -- THE USE OF -- OF I GUESS A CAR LOT THAT BACKED OUT, THAT REMOVED ALL OTHER GR USES THEN ALLOW THE LR USES, ALSO TO COME UP WITH A COVENANT PROVIDES FOR SOME LANDSCAPING, ALONG THE CORNER OF RED AND -- STREET AND -- AND I GUESS JUST AROUND ON CACTUS. BECAUSE OF

THE PROXIMITY TO THE ELEMENTARY SCHOOL. IS THAT CLEAR ENOUGH?

I THINK THAT IS CLEAR ENOUGH. WE CAN WORK WITH MR. HAMILTON TO DEFINE THAT AREA ON LANDSCAPING THAT WOULD MEET WHATEVER THE CURRENT PARKING OR THE CURRENT LANDSCAPING REQUIREMENT WOULD BE ALONG THOSE TWO STREET FRONTAGES.

YOU ALL CAN LOOK AT THE DESIGN STANDARDS POLICY THAT WAS ADOPTED, BEEN CODIFIED, IT SPEAKS TO SHADE TREES, THAT MIGHT BE A WAY TO HANDLE IT, TOO. BUT YOU ALL GET THE WORK DONE. I HAVE HAD CONFIDENCE IN THAT.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCracken TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY. Z-12. GR WITH -- WITH SIGNIFICANT CONDITIONAL OVERLAY EXEMPTING -- EXCEPTING ALL USES OTHER THAN THE CAR STORAGE AND THEN FURTHER INSTRUCTIONS ABOUT -- ABOUT LANDSCAPING COMPATIBILITY, ET CETERA.

ACTUALLY, CAR SALES.

CAR SALES, EXCUSE ME.

I WILL SECOND THAT.

SECONDED BY COUNCILMEMBER ALVAREZ.

MR. GUERNSEY, ALSO, MR. HAMILTON TALKED ABOUT -- YOU KNOW, THE -- WHAT WOULD SEEM TO BE AN -- THE OBVIOUS ACCESS EGRESS AND INGRESS TO THE SITE, ESSENTIALLY AWAY FROM THE SCHOOL. IS THERE A WAY THAT THAT CAN BE -- CAN BE CONFIRMED AS A PART OF THE --

THE ACCESS TO THE [INDISCERNIBLE] THROUGH THEIR SITE ALREADY IN PLACE THAT THEY CANNOT REMOVE. IT'S LOCATED ON BEN WHITE BOULEVARD.

Mayor Wynn: SO MR. GUERNSEY, IS THERE A -- A -- IS THERE A -- A -- I THINK MR. HAMILTON IS SAYING THAT THERE WAS ALREADY AN ACCESS EASEMENT ARRANGEMENT WITH A --

WITH A TACO CABANA FAST FOOD RESTAURANT THAT'S IN FRONT OF THAT PROPERTY, THAT ALLOWS US ACCESS TO USE ANY OF THE DRIVEWAYS THAT ALREADY EXIST. THE COUNCIL -- IF THE COUNCIL DESIRES TO PROHIBIT ACCESS, THEY WOULD BE IN VIOLATION OF THE ACCESS AGREEMENT THAT ALREADY EXISTS TODAY.

I DON'T WANT TO GET IN THE WAY OF THAT. LET'S NOT INTERFERE WITH THE ACCESS ARRANGEMENT. THAT'S ALL RIGHT.

SO A MOTION AND A SECOND ON THE TABLE TO APPROVE ON FIRST READING ONLY. GR WAS -- WITH SIGNIFICANT RESTRICTIONS. AND WITH ADDITIONAL INSTRUCTIONS TO STAFF. FURTHER COMMENTS? COUNCILMEMBER LEFFINGWELL?

THE CO WAS -- WAS -- WAS THE ONLY GR USE AND THE OTHER USE IS L.O. OR LR?

LR.

FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0 FIRST READING ONLY.

MAYOR AND COUNCIL THAT TAKES US TO THE NEXT CASE, Z-13, C14-050195 CRIPPEN SHEET MELTS AT 8501 PEACEFUL HILL LANE. PROPERTY CURRENTLY ZONED DR DEVELOPMENT RESERVE, THE REQUEST FOR THE ZONING CHANGE IS LI. THE ZONING AND PLATTING COMMISSION RECOMMENDED L.I.-CO HAD WITH RESTRICTION THAT'S ALLOW ONLY THE EXISTING LIGHT MANUFACTURER USE AS BEING THE ONLY ALLY USE AND ALL OTHER LR USES AND OF COURSE A 300 VEHICLE TRIP LIMIT PER DAY ABOVE THE EXISTING TRIPS GENERATED ON THE SITE. YOU MAY RECALL, THIS IS -- THIS IS A PROPERTY THAT WAS NEXT DOOR TO -- TO A CASE THAT HE RECENTLY RESUMED TO SF - - REZONED TO SF 4 A FOR A SMART HOUSING PROJECT.

THAT PROPERTY ABUTS THAT ON THE NORTH SIDE, EAST SIDE. ON THE OTHER SIDE OF PEACEFUL HILL, SINGLE FAMILY ZONING AND TO THE SOUTH YOU HAVE ALSO INDUSTRIAL USE WHICH IS A -- WHICH IS I BELIEVE A FIBERGLASS SUPPLIER. THE PROPERTIES JUST UNDER ONE ACRE IN SIZE AND -- AND THE -- THE -- THE PROPERTY OWNERS AGENT, MR. JIM BENNETT APPROACHED ME EARLIER AND -- AND DISAGREES WITH THE ZONING AND PLATTING COMMISSION RECOMMENDATION. WOULD LIKE -- WOULD LIKE LI ZONING BUT HAVE THE CONDITIONAL OVERLAY TO ALLOW ALL CS USES ON THE PROPERTY. IT'S MY UNDERSTANDING THAT HE DOES NOT OBJECT TO THE 300 TRIP LIMITS, BUT TO THE USE LIMITATION THAT'S PROPOSED BY THE ZONING AND PLATTING COMMISSION OF THE LR USES. THE STAFF RECOMMENDATION ON THIS WAS -- WAS CS-CO. WHICH WOULD NOW ALLOW THE INDUSTRIAL USE ALTHOUGH IT COULD REMAIN AS A LEGAL NON-CONFORMING USE WITH HEIGHT LIMITS OF 30 FEET, LIMITATIONS ON TRIPS TO 300 VEHICLE TRIPS PER DAY AND THEN SPECIFICALLY PROHIBIT SOME OF THE CS USES PROHIBITING AGRICULTURAL SALES AND SERVICES, BUILDING MAINTENANCE SERVICES CONSTRUCTION SALES AND SERVICE, DROPOFF RECYCLING, COLLECTION FACILITY. EQUIPMENT REPAIR SERVICES, EQUIPMENT SALES SERVICES, KENNELS, LAUNDRY SERVICES, VEHICLE STORAGE AND TRANSPORTATION TERMINAL AS BEING THE PROHIBITED USES ON THE STAFF RECOMMENDATION. WITH THAT I WILL PAUSE, IF YOU HAVE ANY QUESTIONS I WILL BE HAPPY TO ANSWER THEM. JIM IS HERE --

Mayor Wynn: QUESTIONS FOR STAFF, COUNCIL? IF NOT WE WILL TAKE THIS CASE UP, MR. BENNETT, WELCOME. YOU WILL HAVE FIVE MINUTES.

MAYOR AND COUNCIL, I'M JIM BENNETT. MAYOR, I BELIEVE JIM PALACE IS SIGNED UP TO SPEAK AS WELL, WILLING TO DONATE HIS TIME SHOULD I NEED IT. IDON'T DON'T KNOW IF I WILL NEED THAT MUCH.

CORRECT HE SIGNED UP, IT WOULD -- FOLLOW YOU OTHERWISE, SO I THINK COUNCIL WOULD NOT OBJECT TO YOU TAKING EIGHT MINUTES IF YOU NEEDED IT.

COUNCIL, I'M JIM BENNETT, AS MR. GUERNSEY INDICATED TO YOU, UNTIL JUST RECENTLY THIS PROPERTY WAS SURROUNDED BY WLO ZONING AND INDUSTRIAL ZONING. IF YOU WILL RECALL A COUPLE OF MONTHS AGO, THE MAIN STREET HOMES COMING BEFORE COUNCIL, REQUESTING THE SMART HOUSING PROJECT BE DEVELOPED, ADJACENT TO THIS PROPERTY, BOTH TO THE NORTH AND TO THE EAST. OUR ZONING CHANGE WAS IN PLACE AT THAT TIME WHEN THE -- WHEN THE ADJOINING SF PROPERTY GOT REZONED AND IF YOU WILL RECALL THERE WAS OPPOSITION TO THAT REZONING BECAUSE OF THE COMMERCIAL AND INDUSTRIAL USES IN THE NEIGHBORHOOD, NOT SPECIFICALLY IN -- TO THIS SITE, BUT -- BUT GENERALLY TO THE NEIGHBORHOOD. WE DID GO BEFORE THE PLANNING COMMISSION, ZONING AND PLATTING COMMISSION, THE ZONING AND PLATTING COMMISSION RECOMMENDED THE LI ZONING, BUT WITH THE CONDITIONAL OVERLAY TO LIMIT ANY FUTURE USES TO LR USES. AND THAT'S -- THAT'S WHERE WE HAVE ISSUE. THE SITE IS DEVELOPED WITH A COMMERCIAL INDUSTRIAL TYPE OF BUILDING. AND IF THAT USE WENT AWAY, THEN THE -- WITH IT'S ALREADY DEVELOPED CONDITIONS, TO LIMIT THE USES TO RETAIL, QUITE FRANKLY, COUNCIL, I DON'T RECALL THIS IS AN AREA WHERE YOU WOULD GO AND BUY A TIE OR A PAIR OF SHOES OR A SHIRT. IT'S CERTAINLY A COMMERCIAL AREA AND THAT'S THE REASON THAT -- THAT WE ARE HERE BEFORE YOU TONIGHT, REQUESTING THAT YOU CONSIDER LI-CS. WHICH WOULD ALLOW FOR ANY FUTURE USES SHOULD CRIPPEN SHEET METAL GO AWAY. A REASONABLE OPPORTUNITY ON THE SITE. THIS PROPERTY WAS ANNEXED INTO THE CITY. CRIPPEN SHEET METAL WAS IN THERE PRIOR TO THIS ANNEXATION TO THE CITY, SO IT IS A LEGAL NON-CONFORMING USE. IF THE COUNCIL WILL CONSIDER THE L.I.-CS, WE THINK THAT WOULD BE MOST APPROPRIATE FOR THE CURRENT USE AND FOR ANY PARTICULAR FUTURE USE THAT MAY WANT TO GO IN. I WILL BE AVAILABLE SHOULD YOU HAVE ANY QUESTIONS.

MAYOR PRO TEM?

Thomas: GO IMMEDIATE COUNCILMEMBER LEFFINGWELL.

Leffingwell: YOU SAID L.I.-CS. DID YOU MEAN L.I.-CO.

I'M SORRY, YES, L.I.-CO WITH A CONDITIONAL OVERLAY FOR CS USES.

Leffingwell: OKAY. SHORTHAND. JUST TO CLARIFY THE RECOMMENDATION WAS FOR 2,000 TRIPS, WHAT AM I LOOKING AT HERE?

I BELIEVE IT WAS A 300 TRIP, COUNCILMEMBERS.

OKAY. I HAVE A PIECE OF PAPER I GUESS THAT IS OUT OF DATE. THAT I'M LOOKING AT. THESE ARE ACTUALLY THE CO'S FOR THE -- FOR THE WHATTINGER TRACT WHICH IS -- WHICH IS --

THE ZONING ZONINGS RECOMMENDATION WOULD LIMIT IT TO -- TO 300 ADDITIONAL TRIPS ABOVE WHAT IS GENERATED TODAY. THAT'S ALSO THE SAME RECOMMENDATION OF THE STAFF.

L.I. CO WITH 300 TRIPS.

300 TRIPS ABOVE AND BEYOND WHAT'S ALREADY OCCURRING TODAY AND THEN JIM WAS ASKING FOR A CONDITIONAL OVERLAY TO ALLOW ALL OF THE CS'S. L.I. USES FOR THE SHEET METAL OPERATION AND ALL CS USES FOR -- [INDISCERNIBLE]

EXCUSE ME, WE STEPPED OFF THE DAIS. MR. BENNETT, DID WE HEAR FROM JIM PALACE? SIGN UP WISHING TO SPEAK IN FAVOR, THEN PHIL PARKER AND PAUL GREEN SIGNED UP IN FAVOR BUT SPEAKING REALLY ONLY IF WE HAVE QUESTIONS. YES, SIR?

MY NAME IS PHIL PARKER, I'M ONE OF THE OWNERS OF CRIPPEN SHEET METAL. THE PIECE OF PAPER THAT YOU WERE LOOKING AT THAT HAD A 2,000 LIMIT ON IT, CIRCLED ON YOUR PAPER WAS IN STAFF REPORT, THAT WAS IN NEIGHBORHOOD ZONING. WHATTINGER ACRES IS A MECHANICAL, THEY ARE A -- A COMPANY VERY SIMILAR TO OURS AND WHAT I HAD ORIGINALLY REQUESTED IN THE FAXES THAT I SENT TO COUNCIL WAS THAT WE WOULD BE AFFORDED THE SAME ZONING THAT THEY HAVE, WHICH IS L.I.-CO WHICH IS -- THEIR CO SIMPLY RESTRICTS THEM ON

USES. FOR THEIR -- FOR I GUESS IT WAS LIQUOR SALES AND -- BARS THAT TYPE OF THING, SOME OBJECTIONABLE USES. THAT'S WHAT WE HAD ORIGINALLY OR WHAT I WAS TRYING TO GET FROM COUNCIL IN THE -- IN THE E-MAIL OR THE FAXES THAT I HAD SENT OUT AND WE SPOKE TO JIM. I CAN LIVE WITH AN L.I. OF A CONDITIONAL OVERLAY, IF IT'S NO LONGER USED FOR LIGHT INDUSTRIAL, IT COULD REVERT TO A CS. THE REASONING, I UNDERSTAND WHAT STAFF WAS TRYING TO DO WHEN THEY WENT TO THE -- TO THE LR, BUT AS JIM SAID, LR IS JUST NOT RIGHT FOR THAT SITE. AND IF IT WENT TO LR, IT WOULD PRETTY MUCH ENSURE THAT IT ALWAYS STAYED LIGHT INDUSTRIAL, BECAUSE WE WOULD NEVER BE ABLE TO SELL IT TO ANYONE FOR AN LR USE. WE DIDN'T FEEL LIKE -- WE JUST WANT THE -- WE WANT THE SAME OPPORTUNITIES TO USE THE SITE AND THEN TO POTENTIALLY SELL IT THAT WE HAD BEFORE SF 4 WENT IN OR WAS APPROVED NORTH OF US WHEN THE PROPERTY TO THE NORTH OF US WAS DOWN ZONED IN FACT IT AFFECTED OUR PROPERTY VALUE AND USE. WE ARE TRYING TO RECAPTURE AS MUCH OF THAT AS WE HAVE AN MAINTAIN ALL OF OUR LEGAL RIGHTS. QUESTIONS?

Mayor Wynn: QUESTIONS OF MR. PARKER, COUNCIL? THANK YOU, SIR.

THANK YOU. NOBODY HERE SIGNED UP IN OPPOSITION. QUESTIONS, COMMENTS? I WILL ENTERTAIN A MOTION TO WAVE COUNCIL RULES TO GO PAST 10:00 P.M.

I MOVE.

Mayor Wynn: SO MOVED BY COUNCILMEMBER MCCRACKEN, I WILL SECOND. ALL OF THOSE IN FAVOR PLEASE SAY AYE.

AYE.

OPPOSED? MOTION PASSES ON A VOTE OF 7 7-0. TRYING TO BUILD UP SOME MOMENTUM.

MAYOR, I WANT TO CLARIFY THE STAFF RECOMMENDATION WAS FOR CS-CO WITH SOME LIMITATIONS. THE ZONING AND PLATTING COMMISSION RECOMMENDATION WAS FOR L.I. CO, RECOGNIZING THE ONE LIGHT MANUFACTURING USE, BUT

LIMITING ALL OTHER USES TO THE NEIGHBORHOOD  
COMMERCIAL OR LR USES.

Mayor Wynn: SO MR. GUERNSEY, DEPENDS ON HOW ONE  
WANTS TO USE THE PROPERTY, BUT I WOULD -- I WOULD  
SURMISE THAT PERHAPS THE STAFF RECOMMENDATION IN A  
SENSE IS MORE FLEXIBLE. DEPENDING ON HOW  
RESTRICTIVE THAT CONDITIONAL OVERLAY MIGHT HAVE  
BEEN. BUT CS ZONING IS A -- YOU KNOW A LARGE FLEXIBLE  
ZONING CATEGORY.

THE PRINCIPAL DIFFERENCE BETWEEN THE ZONING AND  
PLATTING COMMISSION RECOMMENDATION AND STAFF  
RECOMMENDATION IS ZONING AND PLATTING COMMISSION  
RECOMMENDATION RECOGNIZED THE LIGHT  
MANUFACTURING USE THAT EXISTS TODAY. GIVEN THE --  
THE EVENTS THAT OCCURRED IN THE SURROUNDING  
PROPERTY, STAFF DID NOT FEEL COMFORTABLE ZONING  
THE PROPERTY LIGHT MANUFACTURING OR -- OR LIMITED  
INDUSTRIAL SERVICES AND ALLOWING THE L.I. USE TO  
CONTINUE AS A LEGAL USE BUT ONLY AS A NON-  
CONFORMING USE. THAT'S THE PRINCE PAM DIFFERENCE  
BETWEEN THE TWO. PRINCIPAL. I THINK WHAT MR. BENNETT  
IS SAYING, JIMMY IS SAYING IS THAT THEY WOULD LIKE THE  
L.I. WITH THE CS USES WHICH MAINTAINS THEIR USES THEY  
HAVE TODAY AS A LEGAL USE AND NOT AS A NON-  
CONFORMING USEMENT THEN THEY DO LIKE PORTIONS OF  
THE STAFF RECOMMENDATIONS TO ALLOW ALL OF THE CS  
USES, BUT STAFF THEN TOOK BACK SOME OF THOSE USES  
AS BEING PROHIBITED THAT WE FELT WOULD NOT BE  
COMPATIBLE WITH THE SINGLE FAMILY HOMES THAT ARE  
NEXT DOOR.

THANK YOU, MR. GUERNSEY. WELL, I -- I SURE RECOGNIZE  
THE STAFF'S PERSPECTIVE ON THIS. AND -- BUT ALSO BEING  
RESPECTFUL OF MR. PARKER'S DESIRES, I WANT TO HAVE  
FLEXIBILITY TO SELL THE PROPERTY -- FOR HER TO SELL  
THE PROPERTY AS LONG AS THE EXISTING INDUSTRIAL USE  
WOULD CONTINUE TO BE LEGAL, THOUGH NON-  
CONFORMING, SO THEY GET TO ENJOY THE BENEFIT OF  
THAT -- OF THEIR, YOU KNOW, LONG HELD INVESTMENT IN  
THAT OPERATION. YET WITH CS ZONING I WOULD THINK  
THERE'S, YOU KNOW, DEPENDING ON THE CONDITIONAL

OVERLAY, QUITE A BIT OF FLEXIBILITY TO CREATE VALUE FOR A POTENTIAL MORE COMPATIBLE LONG-TERM USE, A NEW BUYER, LONG-TERM USE OF THAT PROPERTY ADJACENT TO THE SINGLE FAMILY. COMMENTS, QUESTIONS? COUNCILMEMBER LEFFINGWELL?

Leffingwell: WELL, I'M STILL REALLY TRYING TO FIGURE OUT WHAT THIS IS. AS I UNDERSTAND IT THE ZONING AND PLATTING COMMISSION RECOMMENDATION, WAS L.I.-CO WITH A CO BEING ALLOWING THE LIGHT MANUFACTURING USE AS A LEGAL USE PLUS ALL CS USES PLUS A TRIP LIMIT; IS THAT RIGHT?

NO. THEY DID L.I.-CO -- L.I.-CO AND ALLOWING THE LIGHT MANUFACTURING USING THE ONLY INDUSTRIAL USE AND THEN ALLOWING ALL LR USES, NEIGHBORHOOD COMMERCIAL LR USES, THEN THEY ALSO AS STAFF DID LIMIT THE NUMBER OF TRIPS TO 300 AND ABOVE, WHAT EXISTS TODAY. THAT REALLY HAS A LOT TO DO WITH THE PEACEFUL HILL BECAUSE YOU TRIGGER A NEIGHBORHOOD TRAFFIC ANALYSIS ONCE YOU START GOING OVER --

THE APPLICANT IS REQUESTING LI-CO WITH THE CO BEING THE LIGHT INDUSTRIAL USES THERE TODAY WITH ALL OF THE -- WITH ALL CS USES.

THAT'S CORRECT.

RIGHT. HE APPLIED FOR L.I., THAT'S WHAT HE'S GREETING TO DO, L.I.-CO WITH CS USES, THAT'S CORRECT.

ARE YOU READY FOR FIRST READING ONLY?

ONLY FIRST READING TODAY.

Leffingwell: I WOULD MOVE TO CLOSE THE PUBLIC HEARING AND APPROVE L.I.-CO WITH THE LIGHT MANUFACTURING USE, THE TRIP LIMIT, AND ALL OF -- ALL OTHER CS USES. >>

Dunkerly: I WOULD SECOND THAT.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER DUNKERLY

TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING AS OUTLINED L.I.-ZONING WITH CONDITIONAL OVERLAY RELATING MORE TOWARDS THE CS --

LIGHT MANUFACTURING PLUS ALL CS USES.

ALL CS USES. COMMISSIONER KIM. >>

Kim: STAFF'S RECOMMENDATION FOR CS-CO THERE WAS A -- THERE WAS A TRIP -- A TRIP LIMITATION OF -- OF THE SAME -- I THINK THE SAME TRIP LIMITATION AND PROHIBITING THE USES OF AGRICULTURAL SALES, BUILDING MAINTENANCE CONSTRUCTION, IS THAT RIGHT?

THAT'S RIGHT. STAFF -- I UNDERSTOOD THE MOTION ALSO INCLUDED A 300 TRIP LIMIT, ADDITIONAL TRIP LIMIT. THE STAFF RECOMMENDATION, YES, IT DID INCLUDE ADDITIONAL PROHIBITED USES.

SO THIS MOTION WOULD THEN AGRICULTURAL SALES, BUILDING MAINTENANCE, BUILDING CONSTRUCTION WOULD BE ALLOWED.

YES.

THAT HE THEY WOULD? WHAT WAS THE RATIONALE BY THE STAFF FOR -- FOR PROHIBITING THOSE USES?

THESE USES ARE TYPICALLY USES THAT -- THAT AGRICULTURAL AND SALES AND SERVICE MAY BE STORAGE OF AGRICULTURAL LIKE FERTILIZERS, THINGS THAT MAY BE DANGEROUS TO -- TO RESIDENTIAL USES. CONSTRUCTION SALES AND SERVICE, THESE ARE TYPICALLY CONTRACTORS. MIGHT OPERATE AT ALL HOURS OF THE DAY. DROP OFF RECYCLING, COLLECTION FACILITY. THESE ARE USUALLY LARGER FACILITIES WHERE BULK BOTTLES, CANS, WASTE PAPER MIGHT BE COMING IN AND OUT. EQUIPMENT REPAIR, EQUIPMENT SALES SERVICES, THE REPAIR OF LARGER VEHICLES THAT COULD BE LIKE BULLDOZERS OR 18 WHEELERS. LARGER CONSTRUCTION VEHICLES. KENNELS, YOU COULD HAVE DOGS OUTSIDE BARKING. LAUNDRY SERVICES, THESE ARE BULK LANDRY FACILITIES THAT MAY EMIT SOME FUMES, HAVE TRUCKS THAT WILL COME IN ALL

HOURS. VEHICLE STORAGE, THESE ARE VEHICLES THAT ARE USUALLY TOWED AND ABANDONED THAT ARE BROUGHT IN, THAT ARE NOT USUALLY MOVABLE. TRANSPORTATION TERMINALS, A BUS TERMINAL, A BUS STATION. SO THOSE ARE USES THAT WE THOUGHT THAT WOULD PROBABLY NOT BE COMPATIBLE WITH THE SINGLE FAMILY USES TO THE NORTH AND TO THE EAST.

OKAY. I WONDER IF THE MAKER OF THE MOTION WOULD BE AMENABLE TO AN AMENDMENT TO PROHIBIT THESE USES OUTLINED BY THE STAFF. IN THE ORIGINAL STAFF RECOMMENDATION FOR THE CONDITIONAL OVERLAY.

Leffingwell: WHAT WERE THOSE USES.

AGRICULTURAL SALES AND SERVICES, BUILDING MAINTENANCE SERVICES, CONSTRUCTION SALES AND SERVICES, DROPOFF RECYCLING AND COLLECTION FACILITY, LIMITED OR EXCUSE ME EQUIPMENT REPAIR SERVICES, EQUIPMENT SERVICES, KENNELS, LAUNDRY SERVICES, VEHICLE STORAGE AND TRANSPORTATION TERMINAL.

THOSE ARE ALL CS USES?

THOSE ARE ALL CS USES.

COULD I ASK THE APPLICANT IF THOSE -- IF THOSE -- IF THAT RESTRICTION IS -- IS SATISFACTORY?

COUNCILMEMBER, WE WERE JUST HAVING A QUICK DISCUSSION IN ANTICIPATION OF THAT QUESTION. I THINK WE CAN AGREE TO PROHIBIT THE DROP OFF RECYCLING FACILITIES, THE KENNELS, THE LAUNDRY SERVICE, THE VEHICLE STORAGE AND THE TRANSPORTATION TERMINALS. WITH THE BUILDING THE WAY IT IS, IT COULD BE CONCEIVABLE THAT A CONTRACTOR MAY WANT TO HAVE HIS OFFICE IN THE BUILDING, SO THAT WOULD FALL UNDER CONSTRUCTION SALES AND SERVICE. SO WE WOULD THINK THAT -- THAT LATER ON THAT COULD BE A POTENTIAL USE THAT WOULD WANT TO USE THIS TYPE OF BUILDING. SO WE LEFT THOSE IN, BUT THE DROPOFF RECYCLE, THE RECYCLING -- LET'S SEE, THE KENNELS, THE LAUNDRY

SERVICE, THE VEHICLE STORAGE AND THE TRANSPORTATION TERMINAL, I DON'T THINK -- I DON'T THINK THERE'S -- THERE'S ANY POTENTIAL FOR THOSE USES AT ALL SOMEWHERE IN THE FUTURE. NOW OR IN THE FUTURE EITHER ONE. BUT WE WOULD LIKE TO KEEP THE -- THE BUILDING MAINTENANCE SERVICE, THE CONSTRUCTION SALES AND SERVICE, AND PERHAPS THE AGRICULTURAL SALES AND SERVICE, WHICH MIGHT BE A FEED STORE OPERATION.

IF IT WAS A BUILDING MAINTENANCE I'M SORRY AGRICULTURAL SALES, IT COULD ALSO BE SALE OF FERTILIZERS, FERTILIZER STORAGE, I THINK THAT'S WHAT STAFF WAS SAYING. IS THAT RIGHT, MR. GUERNSEY?

THAT'S CORRECT. FEEDS, FERTILIZERS.

FERTILIZERS, OKAY.

PERHAPS WE COULD ELIMINATE THE AGRICULTURAL SALES AND SERVICES, COUNCILMEMBER KIM?

I WILL ACCEPT ALL EXCEPT THE BUILDING MAINTENANCE AND CONSTRUCTION SALES AND SERVICES. ALL OF THOSE.

Kim: OKAY. THANK YOU.

Mayor Wynn: COUNCILMEMBER DUNKERLY? DO YOU AGREE WITH THAT AMENDMENT?

Dunkerly: YES.

Mayor Wynn: MOTION AND A SECOND ON THE TABLE. AS AMENDED. FIRST READING ONLY.

Guernsey: MAYOR, IF I COULD GET A CLARIFICATION. THERE WERE TWO ADDITIONAL USE THAT'S MR. BENNETT MENTIONED THAT HE WOULD STILL LIKE TO BE ALLOWED. THAT WAS EQUIPMENT SALES AND EQUIPMENT REPAIR SERVICES IN ADDITION TO THE BUILDING MAINTENANCE SERVICE AND THE CONSTRUCTION SALES AND SERVICES USE.

Leffingwell: PERHAPS YOU SHOULD RESTATE YOUR FRIENDLY AMENDMENT.

Kim: LET ME ASK STAFF. THAT WAS ONE OF THE PROHIBITED USES THAT YOU RECOMMENDED, CORRECT?

Guernsey: THAT IS.

Kim: THE JUSTIFICATION WAS FOR OUR EQUIPMENT SALES.

BECAUSE THOSE WERE LARGER VEHICLES, TRACTORS, 18 WHEELERS, THAT COULD BE REPAIRED OR SOLD FROM THE FACILITY.

Kim: I DON'T THINK THAT'S A GOOD IDEA FOR THIS -- FOR THIS LOT.

Leffingwell: OKAY, WELL I DON'T ACCEPT THE FRIENDLY AMENDMENT.

Mayor Wynn: AGAIN MOTION AND SECOND ON THE TABLE AS AMENDED.

OR KNOTS NOT AMENDED.

Mayor Wynn: NOT AMENDED.

Kim: WELL, MAYOR I WOULD LIKE TO MAKE A MOTION FOR AN AMENDMENT TO THE MAIN MOTION FOR RESTRICTING THE PROHIBITED USES THAT THE STAFF RECOMMENDED IN THE ORIGINAL RECOMMENDATION OF CS-CO. TO LIMIT AGRICULTURAL USE, BUILDING MAINTENANCE, CONSTRUCTION AND SALES SERVICES.

Mayor Wynn: MOTION BY COUNCILMEMBER KIM TO AMEND THE MAIN MOTION WITH THOSE ADDITIONAL RESTRICTIVE USES AS OUTLINED IN STAFF'S ORIGINAL RECOMMENDATION. I'LL SECOND THAT. THAT MOTION TO AMEND.

Alvarez: THAT ALLOWS THE ONE L.I. USE? THAT AMENDMENT?

RIGHT. L.I.-CO.

WE HAVE A MOTION AND A SECOND ON THE TABLE TO AMEND THE MAIN MOTION. ADDING ESSENTIALLY STAFF'S RECOMMENDED RESTRICTIVE USES. OF THE CS USE CATEGORY. COMMENTS, QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OF THE MOTION TO AMEND. PLEASE SAY AYE.

AYE.

ALL THOSE OPPOSED? MOTION TO AMEND PASSES ON A VOTE OF 4-3 WITH COUNCILMEMBERS MCCRACKEN, DUNKERLY AND LEFFINGWELL VOTING NO. THAT TAKE US BACK TO THE MAIN MOTION.

I DON'T KNOW WHAT WE ARE VOTING ON NOW.

AS AMENDED. MR. GUERNSEY, CAN YOU HELP OUTSIDE OUT. THE MAIN MOTION NOW AMENDED IS LI -- FIRST WEEK ONLY, LI-CO. THE CO ALLOWING THE -- THE ONLY LIGHT MANUFACTURING IS THE ONLY INDUSTRIAL USE ALLOWING CS USES BUT PROHIBITING THE USES THAT STAFF WAS -- HAS PROHIBITED AND THEN 300 TRIP LIMIT ABOVE AND BEYOND WHAT CURRENTLY EXISTS TODAY.

CORRECT.

Mayor Wynn: BACK TO THE AMENDED MAIN MOTION.

Leffingwell: ALL OF THE USES PROHIBITED, RECOMMENDED TO BE PROHIBITED BY STAFF?

Guernsey: TAKES MY UNDERSTANDING.

Mayor Wynn: THAT WAS MY SECOND. MAIN AMENDED MOTION. ALL THOSE IN FAVOR FIRST READING ONLY, PLEASE SAY AYE.

AYE.

OPPOSED? MOTION PASSES ON A VOTE OF 7-0 FIRST READING ONLY. OBVIOUSLY A LITTLE BIT OF WORK TO DO

BEFORE SECOND AND THIRD READING. THANK YOU ALL.

THAT BRINGS US TO OUR LAST ZONING CASE. [LAUGHTER] I APOLOGIZE. DON'T GET SO EXCITED.

GOOD NEWS IS ALL OF THE DOGS OUTSIDE HAVE GONE TO SLEEP.

THE DOGS ARE GOING TO BE BED SOON.

WAITED WITH BAITED BREATH TO BE ON TV.

OUR NEXT CASE IS CASE Z-14, C14-050209, BIG 4, THIS IS A PROPERTY LOCATED AT 212 RALPH ALBANADO DRIVE, THIS IS A REZONING REQUEST FROM SF 2 SINGLE FAMILY RESIDENCE STANDARD LOT DISTRICT ZONING TO LIMITED INDUSTRIAL SERVICES ZONING. THE ZONING AND PLATTING COMMISSION RECOMMENDED LI-CO ZONING AND LIMITED INDUSTRIAL SERVICES CONDITIONAL OVERLAY DISTRICT ZONING. LIMITING THE PROPERTY TO ITS EXISTING USE OF SCRAP AND SALVAGE, WHICH IS AUTO AND TRUCK SCRAP AND SALVAGE OPERATION AS THE ONLY PERMITTED LI USE AND ALLOW ALL OTHER PERMITTED GR USES. THEN FOR THE STAFF RECOMMENDATION FOR THE -- FOR THE VEHICLE TRIP LIMITATION OF 300 TRIPS AND THE -- THEY ALSO PROHIBITED PAWN SHOP WHICH IS A PERMITTED USE IN THE GR DISTRICT. THE STAFF RECOMMENDATION WAS TO GRANT CS-CO ZONING, BUT ONLY WITH A 300 TRIP LIMITATION. THIS PROPERTY IS JUST DOWN THE STREET AND AROUND THE CORNER FROM THE PROPERTY THAT WE JUST SPOKE ABOUT, BUT DIRECTLY ACROSS THE STREET FROM THE -- FROM THE SMART HOUSING SF 4 ZONING THAT WAS RECENTLY GRANTED. THE -- THE PROPERTY IS CURRENTLY USED AS AN OLD SALVAGE LOT, EXISTS ON APPROXIMATELY 1.2 ACRES OF LAND. THE USES IN THE AREA, THERE'S AN URBAN FARM NEXT DOOR TO THE EAST, ZONED GR-MU-CO. THAT HAS THE LIMITATION ON THE CO TO A SINGLE RESIDENTIAL DWELLING UNIT. AS I MENTIONED BEFORE, TO THE -- IMMEDIATELY TO THE NORTH IS SF 4 A ZONING FOR A PROPOSED SMART HOUSING PRONG. BUT JUST A LITTLE BIT TO THE NORTH AND WEST OF THIS PROPERTY IS A PROPERTY OWNED BY THE SAME PROPERTY OWNER WHICH IS ALSO AN AUTO SALVAGE WRECKING OPERATION, IT HAS

ALSO A TOWING YARD AND A CRUSHING OPERATION. THE PROPERTY TO THE WEST IS ZONED CS-CO AND HAD SOME RESTRICTIONS THAT BENEFITED THE ADDITION, EXISTING SF 4 A DEVELOPMENT THAT WAS FURTHER TO THE WEST ALONG THAT PROPERTY LINE. WITH THAT I WILL PAUSE GIVEN THE HOUR, IN QUESTION I WILL BE HAPPY TO ANSWER THEM. JIM BENNETT IS THE AGENT AGAIN FOR THIS PROPERTY.

Mayor Wynn: WELCOME BACK, MR. BENNETT.

THANK YOU, MAYOR AND COUNCIL, THIS PROPERTY IS VERY SIMILAR TO THE CIRCUMSTANCES THAT EXISTED ON THE CRIPPEN PROPERTY THAT WE JUST HEARD ABOUT.

Mayor Wynn: WE ARE AWARE OF THAT, YES, SORRY, GO AHEAD.

THIS PROPERTY IS -- WAS USED FOR AUTO SALVAGE PRIOR TO COMING INTO THE CITY OF AUSTIN, SO IT'S A LEGAL NON-CONFORMING USE THIS. PROPERTY UNLIKE THE PREVIOUS CASE IS SURROUNDED BY CS DISTURB GR-LI AND ACROSS THE STREET FROM THE RECENTLY REZONED SF 4 PROPERTY. THE PLANNING COMMISSION'S RECOMMENDATION WAS TO GRANT LI ZONING WITH A GR LIMITATION, CONDITIONAL OVERLAY WITH GR LIMITATIONS. WE ARE REQUESTING THAT THE COUNCIL CONSIDER LI-CS OR LI-CO-CS LIMITING THE USE TO THE EXISTING USE PLUS CS USES. I WOULD POINT OUT TO YOU THAT STAFF'S RECOMMENDATION IN THIS CASE FOR THE CS DIDN'T HAVE THE -- HAVE THE DISCUSSION ITEMS THAT WE TALKED ABOUT PROHIBITED LIST BECAUSE THIS PROPERTY IS NOT ADJACENT TO RESIDENTIAL PROPERTY. AND WE WOULD REQUEST COUNCIL CONSIDER THE LI-CO-CS WITH THE TRIP LIMITATION AND THE EXCEPTION OF NO PAWN SHOP AS RECOMMENDED BY THE ZONING AND PLATTING COMMISSION. WE DON'T THINK THAT WE ARE EVER GOING TO NEED A PAWN SHOP THERE, EITHER.

Mayor Wynn: THANK YOU, MR. BENNETT.

Dunkerly: MAYOR, MR. BENEFITBENNETT, DID THE STAFF

RECOMMENDATION HAVE ANY EXCLUSIONS?

NO, MA'AM.

Dunkerly: SO YOU WOULD BE HAPPY WITH STAFF RECOMMENDATION AND WOULD EXCLUDE PAWN SHOPS; IS THAT CORRECT?

WELL, WE ACTUALLY NEED THE LI ZONING. STAFF ONLY RECOMMENDED THE CS.

Dunkerly: OKAY. THE LI WITH THE CS USES, NO PAWN SHOPS.

THAT'S CORRECT.

Dunkerly: OKAY, THANKS. SAME GENTLEMAN SIGNED UP IN FAVOR, JIM PALACE, PAUL GROWN AND/OR PHIL PARKER. GENTLEMEN? THIS -- YOU KNOW, I WAS HALF JOKING, I SEE THIS AS BEING SLIGHTLY DIFFERENT. VERY SIMILAR CASES, BUT FOR INSTANCE THE LAST CASE LITERALLY ABUTTS THE SF CASE THAT WAS VERY STRONGLY SUPPORTIVE OF A FEW MONTHS AGO, THIS IS TECHNICALLY ACROSS THE STREET. DIFFERENT DEEP MICKS BUT WELCOME.

HI. GOOD TO SEE YOU AGAIN. I WANTED TO SPEAK IN FAVOR OF HIS USES AND HIS REQUEST FOR THE LI FOR THE CO CS. JIM HAS BEEN THERE A LONG TIME. THIS IS THE USE THAT IT'S ALWAYS BEEN. HE'S A GOOD NEIGHBOR, KEEPS HIS PLACE CLEAN. WE WOULDN'T BE HAVING THESE DISCUSSIONS HAD THAT PROPERTY ACROSS THE STREET NOT GONE SF 4 A, IT'S WHAT'S OUT OF PLACE. THAT'S WHAT HAPPENED. BEING THE TYPE OF BUSINESSES THAT SURROUND JIM RIGHT NOW AND THE PROPERTY BEING A CS-CO AND A GR, WITH CS-CO DIRECTLY SOUTH OF HIM, IT SEEMS KIND OF OUT OF PLACE THAT HE WOULD HAVE ANYTHING LESS AND IN REFERENCE TO HIM BEING DIRECTLY ACROSS THE STREET FROM THE NEWER PLANNED SUBDIVISION, IF YOU LOOK AT THE MAP, HIS SF 2 LOT WHICH ACTUALLY IS LI, IS NOT DIRECTLY ACROSS FROM THEIR ENTRANCE AND THE FRONT OF THAT SUBDIVISION WOULD MOST LIKELY HAVE A PRIVACY FENCE THAT HE WOULD FACE. THERE WOULD BE NO VISUAL FROM ANY OF THE HOMES TO HIS LOT. SO I DON'T SEE THE PROBLEM WITH

LETTING HIM HAVE HIS CS AFTER LI TERMINATES. JIM'S CASE IS PROBABLY GOING TO BE VERY SIMILAR TO OURS IN THAT SHOULD HE GET READY TO SELL, CS WOULD GIVE HIM A LOT MORE OPTIONS. I ALSO SEE THE CS ZONING AS A WAY FOR THE AUTO SALVAGE BUSINESS TO GO AWAY FASTER. IF WE TAKE AWAY ALL OF HIS USES UNDER CS, THE NUMBER OF PEOPLE WHO WOULD BE ABLE TO BUY HIS PROPERTY IS GOING TO BE LIMITED DRAMATICALLY AND GR, IF YOU HAVE BEEN DOWN THAT ROAD, THAT'S NOT REALLY A ROAD THAT GETS A LOT OF TRAFFIC OR -- WHERE GENERAL RETAIL WOULD BE MORE THAN LIKELY, THEY ARE GOING TO WANT TO BE ON SLAUGHTER LANE, CONGRESS, SOMETHING WITH A LITTLE BIT BETTER VIEW OF TRAFFIC. THAT'S PRETTY MUCH ALL THAT I HAVE GOT. THANK YOU.

STAFF, THE AERIAL PHOTOGRAPH BACK UP, THE OVERLAID ZONING PHOTOGRAPH THAT WE SAW EARLIER.

MAYOR, IF I MIGHT, I WOULD POINT OUT TO YOU, IF YOU WILL RECALL, MR. BLAKER WAS REPRESENTING MAIN STREET HOMES, KEN IS NOT HERE TONIGHT, BUT IT'S MY UNDERSTANDING THAT KEN DOES NOT HAVE A PROBLEM WITH THIS ZONING CHANGE. OR THE CRIPPEN CASE THAT WAS BEFORE YOU.

OKAY.

IF YOU WILL RECALL, HE TRIED TO BUILD IN SOME -- SOME SEPARATIONS BETWEEN THESE USES ON HIS SF 4.

Mayor Wynn: MR. PALACE OR MR. GREEN, WOULD YOU CARE TO -- WHETHER PALACE SIX MINUTES IF YOU NEED IT.

I DON'T NEED BUT JUST A MINUTE. I APPRECIATE YOUR CONSIDERING THIS CASE. LIKE MR. PARKER SAID, THIS JUST OPENS MY OPTIONS UP FOR WHEN I GET OUT OF BUSINESS. GIVES ME A PLACE TO GO. SOMETHING FOR ME TO DO WITH MY PROPERTY. I HOPE YOU SUPPORT IT. WHEN YOU CHOSE TO DO THE SF 4 IT WAS LARGELY BASED ON ISSUES OF AFFORDABLE HOUSING BEING WEST OF 35. SO IT CREATED A PROBLEM FOR US. I WOULD LIKE Y'ALL TO HELP US WITH THE PROBLEM. THAT'S ALL THAT I HAVE TO SAY.

Mayor Wynn: THANK YOU MR. PALACE. COUPLE, THAT'S ALL OF OUR TESTIMONY -- COUNCIL THAT'S ALL OF OUR TESTIMONY FOR THIS CASE. QUESTIONS, COMMENTS?

Alvarez: FOR STAFF. WERE THE CONDITIONS THAT STAFF HAD RECOMMENDED, STAFF RECOMMENDED CS-CO. SIMILAR TO THE PREVIOUS CASE.

ONLY --

SAME OR --

STAFF HAD NO USE LIMITATIONS ON THE CS. WE DID NOT RECOMMEND THE LI. WE DID THE TRIP LATE. OF LIMITATION OF 300 TRIPS ABOVE WHAT IS GENERATED BY THE PROPERTY TODAY. THE SAME CONDITION THAT THE ZONING AND PLATTING COMMISSION HAD IN THEIR RECOMMENDATION.

Alvarez: I WILL TRY A MOTION. I WOULD MOVE THAT WE CLOSE THE PUBLIC HEARING AND APPROVE LI WITH I BELIEVE SCRAP AND SALVAGE AS THE ONLY PERMITTED USE. ONLY ALLOWING CS USES. TRIP LIMITATION.

THE TRIP LIMITATION THAT WAS RECOMMENDED BY STAFF.

Mayor Wynn: MOTION BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER LEFFINGWELL TO APPROVE FIRST READING ONLY. LI ZONING WITH RESTRICTIONS AS OUTLINED BY COUNCILMEMBER.

Alvarez: I WILL JUST ADD MAYOR THAT THE REASON THERE AREN'T AS MANY CONDITIONS ON THIS PARTICULAR PROPERTY IS THAT THE PREVIOUS PROPERTY THAT WE CONSIDERED HAD RESIDENTIAL ON THREE SIDES. SO JUST -- SO TO A CERTAIN EXTENT THAT'S WHY THAT PARTICULAR PROPERTY WAS TREATED A LITTLE DIFFERENTLY ALTHOUGH -- ALTHOUGH WE DID ALLOW HIM A GOOD NUMBER OF CS USES IN ADDITION TO THE LI USE IN THE PREVIOUS CASE. SO -- SO THAT'S WHY AGAIN THIS -- THE RESTRICTIONS FOR THIS PARTICULAR ONE WOULD BE A LITTLE LESS SEVERE.

Mayor Wynn: MOTION AND SECOND ON THE TABLE.

COUNCILMEMBER LEFFINGWELL.

Leffingwell: WELL A FEW MONTHS AGO WHEN WE APPROVED THE SF 4 I GUESS IT WAS ON THAT LARGE TRACT, SMART HOUSING, THIS ISSUE WAS RAISED. THESE PEOPLE HAVE BEEN IN BUSINESS HERE FOR A LONG TYPE, CRIPPEN AND THE OTHERS AND -- AND THE -- THEY WERE AFRAID THAT THEIR BUSINESSES MIGHT BE AFFECTED BY THE SF 4 ZONING. AND THE PROPONENTS, THE APPLICANTS FOR THE SF ZONING TRACT CLEARLY STATED AT THAT TIME THAT THEY WOULD HAVE NO OBJECTION TO THESE BUSINESSES REMAINING AS THEY WERE AND SECURING THE APPROPRIATE ZONING FOR IT. THAT'S MY RECOLLECTION AND SO THAT'S WHY I'M SUPPORTING THIS CASE AND WHY I SUPPORTED THE PREVIOUS ONE.

Mayor Wynn: OTHER COMMENTS, COUNCILMEMBER KIM.

Kim: MR. GUERNSEY, CAN YOU TELL US HOW DOES THIS DIFFER FROM Z.A.P.'S RECOMMENDATION, THE MOTION.

YES. THE ZONING AND PLATTING COMMISSION RECOMMENDED LI-CO ALLOWING SCRAP AND SALVAGE. HOWEVER THEY LIMITED THE USES NOT TO CS USES BUT TO GR USES. AND THAT IS THE PRINCIPAL DIFFERENCE, THE GR ARE NOT AS INTENSE AS THE CS USES.

Kim: ARE WE PAWGHTE THE PAWN SHOP AS PERMITTED OR IS THAT ALLOWABLE.

Guernsey: I DID NOT HEAR THAT IN THE MOTION HOWEVER I THINK MR. BENNETT INDICATED THAT THEY WOULD BE WILLING IN ADDITION TO THE OTHER CONDITIONAL OVERLAYS TO ADD CONDITIONAL OVERLAY TO PROHIBIT PAWN SHOPS. HE'S NODDING YES.

Kim: WILL THE MAKER OF THE MOTION BE AMENABLE TO A FRIENDLY AMENDMENT TO PROHIBIT PAWN SHOPS.

YES.

Kim: THANK YOU.

Mayor Wynn: FRIENDLY AMENDMENT IS ACCEPTED. AN AMENDED MOTION AND A SECOND ON THE TABLE DUE TO FIRST READING ONLY, LI WITH RESTRICTIONS. CONDITIONAL OVERLAYS. FURTHER COMMENTS? QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0, FIRST READING.

THANKS, MAYOR. HIS.

Mayor Wynn: SO COUNCIL THAT TAKES US TO OUR -- OUR 6:00 PUBLIC HEARINGS. TAKE THESE IN ORDER. ITEM NO. 59, CONDUCT A PUBLIC HEARING TO APPROVE AN ORDINANCE AMENDING CHAPTER 10-3 OF THE CITY CODE RELATING TO PERMITTING DOGS IN OUTDOOR DINING AREAS OF FOOD SERVICE ESTABLISHMENTS. I WILL RECOGNIZE A COUPLE OF THE SPONSORING COUNCILMEMBERS AND LIKELY HAVE PERHAPS A BRIEF STAFF PRESENTATION.

COUNCILMEMBER KIM.

THIS IS AN ORDINANCE TO ALLOW RESTAURANTS TO CONTINUE ALLOWING DOGS ON THEIR PATIOS IF THEY SO CHOOSE. IT DOES NOT REQUIRE IT, WE HAVE AMENDED THE ORDINANCE TO REQUIRE A SIGN SO PEOPLE WILL KNOW WHAT THE RESTAURANT'S POLICY IS IF THEY ARE ALLOWING DOGS IN THEIR PATIOS. AND IF WE HAVE STAFF HERE, THEN THEY CAN PROVIDE INFORMATION. BUT THAT'S ALL THAT I HAVE.

Mayor Wynn: THANK YOU, COUNCILMEMBER, WE HAVE COULD HAVE A HANDFUL OF FOLKS SIGNED UP WISHING TO ADDRESS US. I WILL ASK QUESTIONS LATER. SO WITHOUT OBJECTION, WE CAN GO TO OUR CITIZEN TESTIMONY FOR THOSE WHO ARE STILL WITH US. FIRST SPEAKER MELISSA MILLER, SIGNED UP WISHING TO SPEAK IN FAVOR. APPROPRIATES THE AUSTIN INDEPENDENT BUSINESS ALLIANCE. CAMILLE PERRY. CAMILLE PERRY SIGNED UP WISHING TO SPEAK IN OPPOSITION. MIKE BLIZZARD. I SAW MR. BLIZZARD HERE EARLIER AS WELL, WISHING TO SPEAK

IN FAVOR. EDWARD GAMAR, WELCOME, THREE MINUTES FOLLOWED BY CHET BUTLER.

ALL RIGHT. APPRECIATE YOUR TIME. THANK YOU FOR STAYING AWAKE. I KNOW IT'S BEEN A LONG DAY. THE ONLY OR MOST VOCAL OPPOSITION WAS SPECIFICALLY SOME LOCAL BUSINESS OWNERS HAS BEEN WITH REGARDS TO SANITATION. REGARDING OUTDOOR PATIOS THAT SEEMS LIKE SOMEWHAT OF A BOGUS ISSUE IN THAT OUTDOOR PATIOS ARE EXPOSED TO QUITE A BIT OF WILD ANIMALS AS IT IS. IN ADDITION TO BIRDS, ET CETERA. THAT WE HAVE ALL SEEN SITTING ON THE TABLES, EATING OUT OF OUR PLATES, ET CETERA. AND IF ANYTHING, A WELL BEHAVED LICENSED AND VACCINATED DOG THAT WAS ALLOWED TO BE IN AN OUTDOOR PATIO WOULD BE QUITE A GOOD DETERRENT FOR POTENTIALLY DISEASE HARBORING WILD ANIMALS FORKS THAT REASON I AM DEFINITELY IN FAVOR OF THIS AMENDMENT. IN ADDITION THE -- THE ONLY OTHER ARGUMENT THAT I HAVE HEARD AGAINST THIS IS POTENTIAL FOR UNRULE DOGS, ET CETERA. AND NO ONE IS SUGGESTING THAT UNRULY DOGS BE ALLOWED ON OUTDOOR PAT I DON'T SAY, JUST LIKE UNRULY PEOPLE, ET CETERA, AREN'T WELCOME AT PUBLIC ESTABLISHMENTS, THAT CERTAINLY SHOULDN'T BE THE CASE HERE.

THANK YOU, CHET BUTLER. A NUMBER OF FOLKS WANTED TO DONATE TIME FOR YOU, BUT OUR RULES ARE THAT THEY HAVE TO BE PRESENT IN THE CHAMBERS TO DO SO. MAY HAVE LEFT US. JULIE [INDISCERNIBLE] HERE? KELLY WEST? OR JENNY PITS? OR DEBORAH CANNON? SO CHET I'M SORRY BUT YOU WILL ONLY HAVE UP TO THREE MINUTES IF YOU NEED IT.

OKAY. I WANT TO THANK YOU ALL FOR STAYING UP LATE TONIGHT. PY MAME IS CHET BUTLER, I'M THE GENERAL MANAGER OF OPAL DIVINES OVER ON SIXTH STREET. I HAVE LIVED HERE IN AUSTIN FOR 29 YEARS. IN THE PAST WE HAVE BEEN SUCCESSFUL IN BUILDING A NICE LITTLE NICHE MARKET CATERING TO DOG ONLYNERS AND THEIR PETS OWNERS. AS THE URBAN REVIVAL CONTINUES DOWNTOWN WE HOPE TO OFFER A COMFORTABLE PLACE WHERE YOU CAN ENJOY EXCELLENT FOOD AND DRINK WITH YOUR FOUR LEGGED FRIENDS. WE ONLY ASK THAT YOU AFFORD THE

DOGS THE SAME PRIVILEGES THAT YOU WOULD GIVE THE REGULAR SERVICE DOGS. WE ARE NOT ASKING FOR ANYTHING SPECIAL, JUST THE OPPORTUNITY TO CHOOSE WHETHER OR NOT TO ALLOW DOGS ON THE PATIO. AT NO TIME WILL THEY BE ALLOWED INSIDE, ALWAYS ON A SHORT LEASH, ALWAYS WELL BEHAVED. HELP US KEEP AUSTIN WEIRD AND SUSTAIN THESE BUSINESSES THAT RELY ON THIS LOYAL MARKET. THANK YOU.

Mayor Wynn: THANK YOU, MR. BUTLER. STEVEN HAYNES? HELLO, WELCOME. FOLLOWED BY STEPHANIE SIERRA. WELCOME STEVEN, UP TO THREE MINUTES.

THANK YOU, MR. MAYOR, COUNCILMEMBERS. I'M CITY OF HAYNES, A PROFESSIONAL DOG TRAINER HERE IN AUSTIN. THIS IS ONE OF THE FINEST DOG CITIES THAT I HAVE EVER BEEN TO EXCLUDING PARIS, FRANCE. IN PARIS DOGS ARE ACTUALLY ALLOWED IN THE RESTAURANTS, AT THE TABLES, IN CHAIRS. WITH THEIR OWNERS. I WOULD LOVE TO SEE THAT IN AUSTIN BUT I AM COMPLETELY WILLING TO ACCEPT THAT THEY BE ALLOWED ONLY ON THE PATIOS. THERE ARE A NUMBER OF MECHANISMS THAT YOU CAN CONTROL UNRULY DOGS. I KNOW THAT'S A CONCERN FOR EVERYONE AS IT IS MYSELF. THE AMERICAN KENNEL CLUB HAS A CERTIFICATION PROGRAM CALLED THE CANINE GOOD CITIZEN PROGRAM WHICH IS A BEHAVIORAL AND TEMPERAMENT TEST FOR DOGS. IT WOULD BE ENTIRELY CONCEIVABLE THAT -- THAT RESTAURANTS COULD REQUIRE DOGS BE -- BE CERTIFIED LIKE THAT TO -- TO BE ON THE PATIOS. IT'S A VERY SIMPLE TEST, REQUIRES MINIMUM MEDICAL TRAINING FOR CLIENTS -- MINIMAL TRAINING FOR CLIENTS AND DOG OWNERS CAN EASILY BE ACCOMPLISHED BY ANYONE THAT'S A DEDICATED DOG OWNER. I WANT TO EXPRESS THAT I REPRESENT OVER 1,000 CLIENTS OF MY OWN, SEVERAL THOUSAND DOGS, IN AUSTIN, THAT I HAVE TRAINED. VIRTUALLY ALL OF MY CLIENTS WOULD LOVE TO BE ABLE TO TAKE DOGS TO PATIOS. WE HEAVILY PATRONIZE THE ESTABLISHMENTS THAT PROVIDE ACCESS FOR MY CLIENTS AND THEIR DOGS. THANK YOU VERY MUCH.

THANK YOU, MR. HAYNES. WELCOME STEPHANIE, THREE MINUTES FOLLOWED BY ALEX COX.

THANK YOU, MY NAME IS STEPHANIE SIERRA, I RECENTLY MOVED HERE FROM CALIFORNIA WHERE IT IS COMMONPLACE THAT DOGS ARE ALLOWED ON ALL PATIOS IF AN OWNER CHOOSES THAT THEY WANT TO ALLOW THAT. THAT IS THROUGHOUT CALIFORNIA. IT IS NOT PERMITTED ACTIVITY OF ANY KIND. JUST UP TO THE INDIVIDUAL OWNER OF THE ESTABLISHMENT TO ALLOW THIS. THE LAST EIGHT YEARS I WORKED FOR THE CITY -- FOR THE CITY OF OAKLAND, CALIFORNIA, WHICH IS A CITY ABOUT THE SAME SIZE AS AUSTIN. IT'S IN A MAJOR METROPOLITAN AREA, I WAS THE RISK MANAGER. I MANAGED THEIR GENERAL LIABILITY PROGRAM, THEIR SAFETY PROGRAM, THEIR INSURANCE PROGRAM, THEIR WORKERS' COMPENSATION PROGRAM. I CAN TELL YOU THAT NEVER ONCE DID THIS EVER COME UP AS AN ISSUE. NOT ONE CONSTITUENT, NOT ONE PROBLEM, NOT ONE LIABILITY ISSUE. EVER CAME UP. IN THE GREATER BAY AREA. I KNOW WE ARE NOT IN THE CITY OF OAKLAND AND NOT IN THE GREATER AREA THAT I WAS AWARE OF. IT IS AGAIN IN NORTHERN CALIFORNIA IT HAS NEVER BEEN PERMITTED. IT IS SIMPLY UP TO THE INDIVIDUAL ESTABLISHMENT TO ESTABLISH THOSE RULES. AND IT'S WORKED VERY WELL. FRANKLY WHEN I CAME TO AUSTIN IT WAS BECAUSE OF ITS ATTITUDE, A LAID BACK CITY, IN WHICH PEOPLE ARE CLOSE TO THE LAND, CLOSE TO THEIR ANIMALS, THAT WAS VERY, VERY IMPORTANT TO ME, THE ROPE WHY I CAME HERE. FRANKLY I WAS ABSOLUTELY SHOCKED WHEN I FOUND OUT THAT I COULD NO LONGER BRING MY DOGS TO A RESTAURANT ON THE PATIO. SO NOW IF I DRIVE INTO THE CITY, BECAUSE I LIVE ON THE SOUTHWEST, IF I DRIVE INTO DOWNTOWN TO ENJOY YOUR BEAUTIFUL PARKS, I HAVE TO PUT THEM IN THE CAR AND DRIVE RIGHT OUT AND NOT SPEND A DIME AND I WOULD LOVE TO SPEND SOME MONEY HERE. AND MY DOGS WOULD LOVE TO BE HERE AND THEY ARE GOOD CITIZENS AND AGAIN COMING FROM A CITY PERSPECTIVE AND WORKING IN CITY GOVERNMENT. I URGE YOU NOT TO PUT A PERMITTING PROCESS IN PLACE WHEN IT'S NOT NEEDED. WE DON'T NEED MORE BUREAUCRACY. IF THE ENTIRE STATES DON'T DO THIS, WHY CREATE SOMETHING THAT YOU DON'T NEED AND CAN'T AFFORD. WAIT UNTIL IT CREATES A PROBLEM BEFORE YOU DO THAT. ANYWAY THANK YOU VERY MUCH, I LOVE BEING IN YOUR CITY, IT'S GORGEOUS, NOW I CONSIDER IT

MY CITY, I HOPE THAT YOU DO PASS THIS ORDINANCE AND I  
THANK COUNCILMEMBER KIM. THANK YOU.

THANK YOU. ALICE COX? SIGNED UP WISHING TO SPEAK,  
WELCOME, MA'AM. YOU WILL HAVE THREE MINUTES,  
FOLLOWED BY BRITON [INDISCERNIBLE] FOLLOWED BY  
PLAYING GAP TURNER.

THANK YOU, MARRY. I HAVE A DOG AT HOME, A BEAGLE, MY  
FAMILY HAS HAD SEVERAL DOGS, HE HAS HIS QUILT  
BETWEEN MY DRESSER AND OUR BED THAT'S WHERE HE  
SLEEPS AT NIGHT. SO I WANT TO LET YOU KNOW THAT I DO  
LOVE ANIMALS. LAST YEAR MY NIECE WORKS AT A BEAUTY  
SHOP AND ONE DAY LAST YEAR A CUSTOMER BROUGHT HER  
DOG TO THE SALON, IT WAS SUPPOSED TO BE A FRIENDLY  
PET. AS MY NIECE STARTED TO PET THE DOG, IT BIT HER IN  
THE FACE, REQUIRING STITCHES AND PLASTIC SURGERY.  
ALSO I'M UNCOMFORTABLE ABOUT SERVANTS PETTING THE  
DOGS, SCRATCHING THE BACKS, TOUCHING MY GLASS,  
PLATE OR UTE 10 SILLS. ALSO MALE DOGS CONTINUALLY  
MARK THEIR TERRITORIES. ONCE THEY DO THIS, OTHER  
DOGS CATCH THE SCENT AND FOLLOW SUIT. I DON'T THINK  
IT'S FAIR TO EXPECT SERVERS TO WASH WALLS OR CLEAN  
FLOORS AS A RESULT. THEN LEASHES ARE GREAT AND THEY  
SAID THAT THERE'S A SHORT LEASH LAW, I DON'T KNOW IF  
ALL PEOPLE HONOR THIS, BUT IF THE LEASH IS AT ANY  
LENGTH, IF THE DOG MAKES AN UNEXPECTED MOVE,  
SERVERS OR CUSTOMERS COULD TRIP OVER THEM. AND MY  
FINAL COMMENTS I WOULD LIKE YOU TO -- TO PICTURE THE  
LARGEST DOGS AS WELL AS THE SMALLEST ONES. BESIDES  
BARKING, DOGS SOMETIMES SHAKE THEMSELVES BEFORE  
EXITING A ROOM AND SEND BEING DOG HAIR EVERYWHERE.  
I WOULD BE QUITE BLUNT IN SAYING DOGS THROW UP  
UNEXPECTEDLY, UNTIMELY DIARRHEA, SNEEZE AND EXPEL  
GAS. IS THIS WHAT YOU WANT AROUND YOU, EVEN IF IT'S IN  
A PATIO AREA AT A RESTAURANT? PLEASE I LOVE MY DOG  
AND I'M SURE THAT YOU ENJOY YOURS, BUT INSTEAD OF  
TAKING DOGS TO RESTAURANTS, LET'S STICK WITH THE  
DOGGY BAGS. THANK YOU.

THANK YOU, MS. COX, BRITON? SIGNED UP IN FAVOR. A  
HANDFUL OF FOLKS NOT WISHING TO SPEAK ALL IN FAVOR.  
BUT MEGAN TURNER, KELLY ROUNDROARK, MATT ROARK.

THAT LOOKS LIKE ALL OF THE CITIZENS SIGN UP COUNCIL.  
ANY CITIZENS HERE THAT WOULD LIKE TO ADDRESS US ON  
THIS PUBLIC HEARING, ITEM NO. 59?

THANK YOU, COUNCIL COMMENTS, QUESTIONS? I GUESS  
THE QUESTION THAT I HAD, SEEMS LIKE WHEN THIS WAS  
FIRST PROPOSED A COUPLE OF WEEKS AGO, THE THOUGHT  
WAS IT WAS GOING TO BE SENT TO -- TO ANOTHER BODY OR  
COMMISSION OR TWO. DID THAT OCCUR, WAS THERE  
FEEDBACK FROM THAT PROCESS?

Kim: WE DID NOT MAKE A GOOD TO SEND TO IT THE ANIMAL  
ADVISORY COMMISSION BECAUSE IT'S AMENDING THE  
HEALTH CODE WITH REGARD TO FOOD SAFETY. SO IN LIEU  
OF THAT WE HAD A PUBLIC HEARING TONIGHT.

Mayor Wynn: QUESTIONS, COMMENTS?

Alvarez: I HAD A QUESTION FOR EITHER THE SPONSORS OR  
STAFF ABOUT -- ABOUT, YOU KNOW, THE VARIOUS  
RESTRICTIONS, YOU KNOW, THAT MUST BE FOLLOWED, YOU  
KNOW, FOR -- FOR THE OWNERS TO FOLLOW WHO HAVE  
THEIR PETS ON THE PATIO. LET SAY IT'S AN ISSUE OF  
ENFORCIBILITY. IF CERTAIN PET OWNERS ARE NOT, YOU  
KNOW, MEETING THEIR REQUIREMENTS SET OUT IN THE  
ORDINANCE, AND THE RESTAURANT OWNER ISN'T MAKING  
SURE THAT THEY DO FOLLOW THOSE RULES, SO YOU HAVE  
A MEMBER OF THE PUBLIC WHO WANTS TO COMPLAIN  
ABOUT THIS ISSUE, FIRST OF ALL WHO WOULD THEY  
COMPLAIN TO? WHAT WOULD BE THE REPERCUSSIONS FOR  
THE BUSINESS IF THEY ARE NOT REQUIRING OR END  
FORCING THAT -- YOU KNOW THAT THERE ARE PATRONS  
THAT DO BRING THEIR DOGS OR ACTUALLY HANDLING THEM  
IN A WAY THAT'S CONSISTENT WITH THE RULES AND  
REGULATIONS THAT HAVE BEEN LAID OUT IN THIS  
PARTICULAR ORDINANCE.

COUNCILMEMBER, MY UNDERSTANDING, YOU MIGHT HAVE  
THE HEALTH DEPARTMENT DIRECTOR DAVID LURIE COME  
UP. MY UNDERSTANDING IS THAT THERE IS ALREADY  
PROCESS FOR VIOLATIONS OF THE HEALTH CODE FOR ANY  
FOOD SERVICE ESTABLISHMENT AND THERE IS ALREADY A

SYSTEM SET UP FOR ENFORCEMENT.

DAVID LURIE WITH HEALTH AND HUMAN SERVICES DEPARTMENT. FIRST OF ALL, WE WOULD PREFER THAT BE RESOLVED BY THE BUSINESS ITSELF. I THINK INFORMALLY WE WOULD HOPE IF PEOPLE HAVE A PROBLEM OR A COMPLAINT RELATIVE TO WHAT'S GOING ON IN AN AN ESTABLISHMENT THEY WOULD BRING IT OUT TO THE MANAGEMENT. THERE ARE SPECIFIC GUIDELINES AND EXPECTATIONS FOR THEM TO FOLLOW. OUR ENFORCEMENT ROLE OR ACTIVITY WOULD BE SPECIFIC TO THE ESTABLISHMENT ITSELF. IF AN INDIVIDUAL CHOSE TO, THEY COULD ISSUE OR SUBMIT A COMPLAINT TO THE HEALTH DEPARTMENT. AND THEN OF COURSE WE WOULD FOLLOW UP WITH THAT. SO OUR ENFORCEMENT WOULD BE TWOFOLD. ONE IS WE DO ROUTINE INSPECTIONS OF ESTABLISHMENTS, WE HAVE A WHOLE SERIES OF EXPECTATIONS, REQUIREMENTS RELATIVE TO FOOD RULES THIS WOULD BE ONE OF THOSE. IF THERE ARE VIOLATIONS FOUND AND THAT AFFECTS THE SCORING FOR THAT ESTABLISHMENT, AND DEPENDING ON THEIR LEVEL OF SCORING IT COULD RESULT IN A -- IN A REVISIT AND OVER TIME IF WE CONTINUE TO HAVE PROBLEMS AND THIS AREN'T MEETING A CERTAIN LEVEL OF PERFORMANCE, ULTIMATELY THE ENFORCEMENT WOULD BE THE POSSIBILITY OF THE OWE OVER THE PERMIT ITSELF BEING WITHDRAWN. BUT THAT WOULD BE IN A VERY EXTREME CASE, THAT RARELY HAPPENS. IN ADDITION TO THAT, IF WE HAD AGAIN A SERIOUS OR A PATTERN OF VIOLATION, ANOTHER OPTION THAT WE HAVE IS TO ISSUE A CITATION WHICH THEN GOES FORWARD THROUGH THE MUNICIPAL COURT PROCESS. LAST YEAR FOR EXAMPLE WE ISSUED 62 CITATIONS FOR FOOD RULE VIOLATIONS THAT OF WERE PROCESSED THROUGH THE MUNICIPAL COURT. THE MUNICIPAL COURT MAKES A DETERMINATION FROM THAT CITATION AND ULTIMATELY IF IT CONCLUDES THAT THERE WAS A SUBSTANTIATED VIOLATION CAN ISSUE A FINE RELATIVE TO THAT VIOLATION. SO I WOULD SEE IT KIND OF THREE FOLD. ONE IS TO TRY TO GET IT RESOLVED BY MANAGEMENT. IF THE HEALTH DEPARTMENT GETS INVOLVED IT COULD BE EITHER THROUGH A ROUTINE INSPECTION PROCESS OR A CITATION PROCESS.

Alvarez: I GUESS I'M MORE INTERESTED IN A PATRON WITH A THE POT I CAN'T AND OBSERVED -- PATIO, OBSERVED PROPER RULES NOT BEING FOLLOWED OR END FORCED BY THE OPERATOR OF THE BUSINESS, SO -- WHAT WOULD BE THE NEXT -- THE STEPS TAKEN BY THE HEALTH DEPARTMENT WHEN THAT COMPLAINT WOULD COME IN. WOULD SOMEONE BE DISPATCHED IMMEDIATELY OR HOW ASK THAT WORK IN TERMS OF THE -- OF THE -- THE RESPONSE TO THE COMPLAINT.

TYPICALLY PROBABLY NOT IMMEDIATELY BECAUSE OF THE RESOURCES AVAILABLE TO US. BUT AGAIN IF WE GET A -- COMPLAINTS WE DO MAKE FOLLOW-UP VISITS. WE NOTIFY MANAGEMENT TO INFORM THEM THAT A COMPLAINT HAS BEEN RECEIVED. AGAIN TRYING TO WORK WITH THEM TO ACHIEVE VOLUNTARY COMPLIANCE, PROVIDE THEM WITH, YOU KNOW, INFORMATION, REINFORCING WHAT THE RULES ARE. WE WILL GO OUT AND OBSERVE AND IF WE OBSERVE VIOLATIONS, IF WE SEE THAT THERE ARE PROBLEMS THERE, WE WILL FOLLOW UP ON THAT. AND AGAIN IT'S JUST -- JUST SCALED UP DEPENDING ON HOW SEVERE THE VIOLATION IS AND WHETHER OR NOT THERE ARE MULTIPLE VIOLATIONS, IN THIS INSTANCE WE MIGHT BE LOOKING AT THE PHYSICAL CIRCUMSTANCES, FOR EXAMPLE ON THE REQUIREMENTS HERE IS THAT YOU CAN'T HAVE FOOD PREPARATION IN THE SAME AREA WHERE THE DOGS ARE PERMITTED. SO WE WOULD BE OBSERVING THE PATIO AREA TO CONFIRM THAT THERE'S NOT SOMETHING THERE THAT WOULD INDICATE THAT FOOD PREPARATION IS -- IS OCCURRING BECAUSE IF THAT WERE THE CASE OBVIOUSLY YOU KNOW THAT'S A VIOLATION. IT'S FIRSTHAND OBSERVATION ON THE PART OF OUR STAFF.

THE ONLY WAY THAT YOU COULD ISSUE A CITATION IS IF YOU ACTUALLY GO AND OBSERVE VIOLATIONS. FROM MY POINT OF VIEW, BY THE TIME SOMEONE ISSUES A COMPLAINT, THE INSPECTOR GETS THERE IN TIME TO VERIFY A VIOLATION, IT'S PRETTY UNLIKELY THAT -- TRYING TO FIGURE OUT, YOU KNOW,.

RIGHT.

Alvarez: OBVIOUSLY WE SEE THE BUSINESSES ARE SERIOUS

ABOUT THE RULES, BUT ALSO PLAN FOR -- TO BE OFF -- THE OFF CHANCE THAT THERE IS A BUSINESS THAT JUST KIND OF GETS A LITTLE TOO LAX IN THE RULES. WHICH COULD LEAD, YOU KNOW, TO SOME HEALTH AND SAFETY ISSUES. BUT JUST SEEMS LIKE THERE IS NO REAL WAY OF KIND OF IDENTIFYING FOLKS -- FOLKS WHO AREN'T, YOU KNOW, ADEQUATELY ENFORCING THOSE PARTICULAR RESTRICTIONS OR CODE OF CONDUCT SO TO SPEAK.

I THINK COUNCILMEMBER REALISTICALLY SPEAKING, IF IT'S ISOLATED EVENTS OR CASE, I MEAN, ABSOLUTELY IT WOULD BE UNLIKELY THAT -- THAT WE ARE GOING TO BE RIGHT OUT THERE IMMEDIATELY AND OBSERVE IT FIRSTHAND. I THINK IF WE HAVE A PATTERN OF VIOLATIONS OR A SITUATION IF THE NUMBER OF ANIMALS WERE IN AN AREA, IT'S APPROPRIATE OVER TIME, WE GET MULTIPLE COMPLAINTS, WE ARE GOING TO BE PAYING MUCH ATTENTION TO THAT PARTICULAR ESTABLISHMENT, MAYBE MAKING UNANNOUNCED VISITS TO DETERMINE IF IN FACT THERE IS A PROBLEM. IT REALLY DEPENDS I THINK ON HOW MANY TIMES THIS HAS IS HAPPENING AND WHETHER WE ARE SEEING A GOOD FAITH EFFORT TO BE IN COMPLIANCE OR IF THERE'S A PATTERN OF NON-COMPLIANCE. THOSE TYPICALLY WE ARE ABLE TO ACT ON PRETTY QUICKLY AND PRETTY EFFECTIVELY.

THANKS. IN ORDER TO PARTICIPATE IN THIS PROGRAM, WE HAVE SAID IT AN OPTION, ALTHOUGH VOLUNTARY PROCESS, YOU KNOW, OR IF YOU WANT TO -- TO -- IF YOU -- IF A RESTAURANT OWNER WANTS TO ALLOW DOGS ON THEIR PATIO, IF THEY DO OPT IN, DO THEY CALL YOU THE HEALTH DEPARTMENT AND SAY WE ARE OPTING IN OR JUST PUT UP A SIGN I THINK AS COUNCILMEMBER KIM MENTIONED THAT THERE WAS -- SIGNAGE REQUIREMENT ADDED. SINCE LAST TIME THIS WAS IN FRONT OF THE COUNCIL.

RIGHT. THE ORDINANCE AS PROPOSED DOES NOT REQUIRE ANY SORT OF -- OF REPORTING TO THE HEALTH DEPARTMENT. IT BASICALLY MAKES IT OPTIONAL FOR THE FOOD ESTABLISHMENTS TO ALLOW DOGS IN OUTDOOR DINING AREAS WITH SPECIFIC LIMITATIONS OR REQUIREMENTS THERE CANNOT BE FOOD PREPARATIONS, NOT UP ON THE CHAIR, ON THE TABLE, I THINK COUNCILMEMBER KIM MENTIONED ALSO ADDING A

REQUIREMENT THAT THERE BE SIGNAGE INDICATING THAT DOGS ARE PERMITTED. BUT THAT'S BAPTIONLY IT AT THE -- BASICALLY IT AS THE DISCRETION OF FOOD MANAGEMENT.

SHE DIDN'T SUPPORT INSTITUTING A PERMITTING REQUIREMENT AND THAT'S OBVIOUSLY AN INVOLVED PROCESS AS WE KNOW. BRINGS IN A WHOLE OTHER RANGE OF ISSUES, BUT -- BUT JUST THAT VERY NOTION OF -- OF FOLKS, YOU KNOW, BUSINESSES WHO WANT TO PARTICIPATE IN THE PROGRAM, JUST LETTING THE CITY KNOW, HAVING A LISTING OF BUSINESSES ON ITS WEBSITE, SOMETHING LIKE THAT, DO YOU THINK THAT'S SOMETHING THAT WOULD BE POSSIBLE, NOT NECESSARILY JUST A PERMIT, BUT A NOTIFICATION TO THE CITY THAT CAN BE DOCUMENTED SOMEWHERE, JUST KEEPING A LIST OF BUSINESSES THAT HAVE SAID THEY WANT TO PARTICIPATE IN THIS, ACTUALLY WOULD BE A RESOURCE FOR FOLKS IN THE COMMUNITY WHOSE WANT TO KNOW WHAT BUSINESSES ALLOW THIS. WE CAN MAINTAIN ON A WEBSITE.

CERTAINLY IF THAT'S THE COUNCIL'S DESIRE, THAT TYPE OF SYSTEM COULD BE SET UP IF WE WERE TO GET INTO A MORE ELABORATE PROCESS, WE WOULD WANT TO TAKE A LOOK AT THE RESOURCES TO IMPLEMENT AND MANAGE THAT.

OKAY. THANKS.

YEAH.

IF WE COULD WAIT, COULD YOU OUTLINE FOR ME, IT'S NOT AS SIMPLE AS ANY RESTAURANT THAT HAS SOMETHING THEY MIGHT DESCRIBE AS A PATIO OR A DECK THAT COULD IN FACT ALLOW DOGS. PART OF THIS ORDINANCE IS THAT THERE ARE NOT ALSO SOME DEFINING CHARACTERISTICS OF WHAT A -- WHAT A DECK OR PATIO IS. CAN'T HAVE SOME BACK LITTLE FAT I DON'T WHERE THE DOGS LITERALLY GO THROUGH THE RESTAURANT, THROUGH THE -- PAST THE FOOD SERVICE AREA TO GET TO THIS THING SOME OPENER MIGHT CALL A DECK. THEY ACTUALLY DEFINE, YOU HAVE TO QUALIFY. YOUR RESTAURANT HAS TO PHYSICALLY QUALIFY WITH THE SPACE THAT -- THAT THEN WOULD ALLOW YOU, IF YOU CHOSE AS THE OWNER OF THE PROPERTY TO ALLOW

DOGS ON THAT OR IN THAT AREA.

CORRECT.

WELL, MAYOR IF REFERENCE AS AN OUTDOOR DINING AREA AND CUSTOMER AND DOG ACCESS IS REQUIRED TO BE DIRECTLY FROM THE EXTERIOR. IN OTHER WORDS THEY DO NOT GO THROUGH THE INTERIOR, CANNOT GO THROUGH THE INTERIOR OF THE RESTAURANT ITSELF. AND CERTAINLY NOWHERE NEAR THE FOOD PREPARATION AREA. BUT OTHER THAN THAT, IT DOESN'T -- YOU KNOW GO INTO ANY FURTHER DEFINITION AS TO THE PATIO ITSELF. EXCEPT IT NEEDS TO HAVE A SEPARATE ACCESS DIRECTLY TO THE OUTDOOR DINING AREA.

Mayor Wynn: THEN MY INSTINCT THEN IS THAT THERE ARE A NUMBER OF ASTRONAUTS IN TOWN THAT WON'T EVEN QUALIFY AS THEY ARE LAID OUT NOW, EVEN IF THEY WANTED TO ALLOW THEIR PATRONS TO BIG THEIR DOGS TO A PATIO OR OUTDOOR AREA. AGAIN THERE WILL BE MANY RESTAURANTS WHO HAVE OUTDOOR SEATING AREAS THAT OTHERWISE WOULD QUALIFY PER HOUR DESCRIPTION, YET THEY MAY AS THE OWNER OF THAT RESTAURANT CHOOSE THAT THEY WOULD PREFER NOT TO HAVE DOGS ON THEIR PATIO.

CORRECT, MAYOR. TOTALLY AT THEIR DISCRETION.

CORRECT.

Mayor Wynn: I GUESS I HAVE ONE MORE QUESTION, STAFF CAN HANDLE THIS OR MAYBE ONE OF THE SPONSORS. OBVIOUSLY A VERY ACTIVE RESTAURANT ASSOCIATION. ARAMENT I'M CURIOUS IF WE'VE HAD ANY FORMAL FEEDBACK FROM EITHER THAT ORGANIZATION OR SOME OBVIOUS MEMBERS OF THAT GROUP?

Kim: I'M NOT AWARE OF ANY OF THEM. WE DO HAVE A MANAGER OF A STROUNT RESTAURANT.

I DID READ MELISSA MILLER'S NAME OUT EARLIER. I BELIEVE SHE IS A REPRESENTATIVE -- REPRESENTS THE AUSTIN INDEPENDENT BUSINESS ALLIANCE I THINK IS THE

RESEARCH MANY SMALL LOCAL BUSINESSES, A HANDFUL OF THEM BEING RESTAURANTS. DID GET A NOTE FROM THEM THAT THEY ARE SUPPORTIVE OF THEIR MEMBERS HAVING THIS ABILITY IF THEY QUALIFY.

McCracken: I WOULD REALLY LIKE TO HEAR FROM DOGS ON THIS ONE. [LAUGHTER]

WE HAD A DOG HERE EARLIER BUT I GUESS IT GOT POOPED OUT OR SOMETHING. DIDN'T MAKE IT TO HER HEARING.

McCracken: HAVING SOME ICE CREAM OUT THERE, WORRIED ABOUT GETTING ATTACKED.

Alvarez: MAYOR?

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: I BELIEVE WE DID RECEIVE A LETTER FROM THE RESTAURANT ASSOCIATION AND THEY ACTUALLY OPPOSED THE MEASURES. SO -- THERE WAS AN E-MAIL WE RECEIVED EARLIER THIS WEEK. I DON'T KNOW IF I COULD TRACK DOWN THE E-MAIL BECAUSE IT WASN'T -- AUSTIN RESTAURANT ASSOCIATION WASN'T THE E-MAIL ADDRESS. BUT I'M NOT SURE WHO THE PRESIDENT IS WHO SENT THAT TO US. BUT I -- THEY DID EXPRESS RESERVATIONS.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? IF NOT I'LL ENTERTAIN A MOTION ON ITEM NO. 59.

Kim: MOVE APPROVAL OF THE ORDINANCE TO ALLOW DOGS ON RESTAURANT PATIOS AS OUTLINED IN THE PROPOSED ORDINANCE.

MOTION MADE BY COMMISSIONER KIM TO APPROVE ITEM NO. 59 THIS ORDINANCE AS PRESENTED. SECONDED BY COUNCILMEMBER LEFFINGWELL. FURTHER COMMENTS? MAYOR PRO TEM? [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

REPEAT ON THAT FOR EL PASO, CORPUS CHRISTI, HOUSTON AND ALL OVER TEXAS. I WON'T BE SUPPORTING -- I UNDERSTAND THAT PEOPLE LOVE DOGS AND I LIKE DOGS

TOO, BUT I THINK THERE'S A LIMIT THAT WE NEED TO DO WHEN IT COMES TO DOGS. I'M NOT LAUGHING, I'M SERIOUS, BECAUSE PEOPLE ARE SERIOUS AND I TAKE IT VERY SERIOUS ABOUT HOW THEY FEEL ABOUT THEIR ANIMALS, BUT I JUST FEEL -- FIRST OF ALL, WE CAN'T ENFORCE IT. WE DON'T HAVE ENOUGH PEOPLE TO ENFORCE IT. SECOND OF ALL, EVERYBODY HAVE DOGS THAT ARE CALM AND -- BUT I'M NOT COMFORTABLE BECAUSE IF A LITTLE CHILD GET LOOSE, GO IN THAT AREA, SOMETHING HAPPENED TO THE DOG. I'M JUST NOT COMFORTABLE. I THINK IT'S JUST -- THERE'S A LIMIT TO WHAT WE SHOULD ALLOW. I KNOW THIS IS A GREAT CITY, BUT I JUST CAN'T SUPPORT THE DOGS. [ LAUGHTER ] AND THE DOGS PROBABLY GOT THAT LETTER, COUNCILMEMBER ALVAREZ. [ LAUGHTER ]

Mayor Wynn: ACTUALLY, I SAW MR. LURIE STANDING UP EARLIER. DAVID, COULD YOU HELP US? WAS IT YOUR INFORMATION THAT THE MAYOR PRO TEM IS REFERRING TO REGARDING OTHER CITIES' ORDINANCES? NOT THAT AUSTIN CARES ABOUT WHAT OTHER CITIES IN TEXAS DO. [ LAUGHTER ]

MAYOR, I CERTAINLY DON'T WANT TO GET IN THE MIDDLE OF A DOG FIGHT ABOUT WHO IS APPROVING WHAT AND WHO ISN'T. [ LAUGHTER ] BUT WE DID GO BACK AND OFFICIALLY SURVEY THE MAJOR CITIES IN TEXAS, AND THE OFFICIAL WRITTEN RESPONSE WE GOT FROM HEALTH DEPARTMENTS IN THESE CITIES IS THAT THEY'RE FOLLOWING THE STATE RULES, WHICH PROHIBIT DOGS IN EATING ESTABLISHMENTS INDOOR, OUTDOOR, WITH THE EXCEPTION OF SERVICE DOGS. SO JUST IN TERMS OF THE FORMAL REPORTING FROM THESE CITIES, THAT'S THE FEEDBACK WE'VE GOTTEN. SO WHAT YOU'RE CONSIDERING HERE IS ADOPTING AN ORDINANCE THAT WOULD MAKE AN ADJUSTMENT TO THE STATE RULES THAT WOULD APPLY LOCALLY TO MAKE THIS EXCEPTION. AND WE'VE HEARD FROM THE LAW DEPARTMENT, BUT YOU HAVE THE AUTHORITY TO DO THAT. BUT JUST IN TERMS OF WHAT OTHER CITIES ARE DOING, WE HAVE FORMAL RESPONSES FROM THEM. AND THAT'S WHAT YOU HAVE IN FRONT OF YOU, WHICH IS THEY ONLY ALLOW FOR SERVICE DOGS.

Mayor Wynn: THANK YOU. AND THEN AGAIN, IT'S MY

UNDERSTANDING THAT OUR PRACTICE HAD BEEN NO ENFORCEMENT OR SEEMINGLY THE PRACTICE WAS THAT HISTORICALLY WE HAD BEEN ALLOWING IT AND THAT AT SOME POINT THERE WAS PROBABLY JUST AN ADMINISTRATIVE DECISION TO EITHER ALIGN OURSELVES WITH THESE BROAD STATE RULES OR SOMETHING SEEMED TO HAVE CHANGED THAT BROUGHT THIS ISSUE BEFORE US, CORRECT?

I THINK, MAYOR, THE CONFUSION ABOUT THE PRACTICE IS THAT WE HAVE ONLY RESPONDED TO COMPLAINTS. IT'S ONLY BEEN COMPLAINT DRIVEN. AND FRANKLY, WE GET VERY, VERY FEW COMPLAINTS. AS WE LOOKED OVER THE LAST FIVE, SIX YEARS, MAYBE THREE OR FOUR PER YEAR, SOMETIMES NO COMPLAINTS AT ALL. AS PART OF THIS SURVEY OF THE OTHER CITIES, VERY, VERY FEW COMPLAINTS ABOUT THIS PARTICULAR ISSUE. SO I THINK THE PERCEPTION MAY BE THAT THE ENFORCEMENT IS A NEW DEVELOPMENT, BUT IN FACT IT RELATES TO SOME RECENT COMPLAINTS THAT WE RECEIVED.

Mayor Wynn: THANK YOU.

Kim: MAYOR, JUST TO PROVIDE CLARIFICATION, SOME INFORMATION THAT I GUESS WASN'T A SCIENTIFIC SURVEY, BUT FREDDIE'S PLACE, WHICH IS ONE OF THE RESTAURANTS THAT WANTS TO ALLOW DOGS ON THE RESTAURANT PATIOS, DID A POLL BY CALLING THE HEALTH INSPECTORS OF THESE VARIOUS CITIES AND THEY INTERPRETED IT AS ALLOWING DOGS ON RESTAURANT PATIOS, THESE SAME STATE RULES. SO EVEN THOUGH YOU MAY HAVE WRITTEN COMMUNICATION FROM EACH OF THESE OTHER CITIES, THE INFORMATION I RECEIVED FROM THESE CALLS WAS DIFFERENT.

Mayor Wynn: BY THE WAY, I JUST GOT AN E-MAIL JUST NOW FROM THE PRESIDENT OF THE AUSTIN RESTAURANT ASSOCIATION. THEY HAVE NOT VOTED ON THIS ISSUE AS AN ORGANIZATION. COUNCILMEMBER LEFFINGWELL.

Leffingwell: WELL, I WANT TO SAY I REALLY DON'T HAVE A DOG IN THIS FIGHT. [ LAUGHTER ] I DON'T OWN A DOG AT THE MOMENT. BUT THIS IS NOT A CIVIL RIGHTS ACT FOR DOGS. [

LAUGHTER ] THIS IS A CIVIL RIGHTS ACT FOR PEOPLE. IF PEOPLE THAT OWN AND OPERATE A RESTAURANT WANT TO LET DOGS ON THEIR PATIO, THIS PROVISION WOULD ALLOW THEM TO DO THAT. IF THEY DON'T WANT TO DO THAT, THEY DON'T HAVE TO DO IT. IF PEOPLE DON'T WANT TO BE AROUND DOGS ON A PATIO, THEY DON'T HAVE TO GO. IF THEY DO, THEY CAN GO. AND FINALLY, I SAID AT THE LAST MEETING, I'VE SAID SEVERAL TIMES SINCE, THERE'S NOT A RECORD OF THIS BEING A PROBLEM. THERE'S NO NATIONAL SURVEY SHOWING THAT ANYBODY GOT SICK FROM SECONDHAND DOG BREATH. AGAIN, IT IS A PRIVILEGE TO BE GRANTED TO THE OWNER TO MAKE THAT DECISION. THAT'S WHY I'M SUPPORTING IT. >>

Mayor Wynn: THANK YOU, COUNCILMEMBER. HARD ACT TO FOLLOW. A MOTION AND A SECOND ON THE TABLE TO CLOSE THE PUBLIC HEARING AND APPROVE THIS ORDINANCE AS PRESENTED. COUNCILMEMBER ALVAREZ.

Alvarez: I WAS WANTING TO ASK IF THAT REGISTRY WAS SOMETHING THAT WAS AMEANABLE TO THE SPONSORS OF THE MOTION AND JUST HAVING THE BUSINESSES AND THE CITY KEEPING A REGISTRY OF WHO IS ALLOWING THAT AND HAVING THAT AVAILABLE AS PUBLIC INFORMATION.

Kim: LET ME ASK THE CITY MANAGER WHAT KIND OF BURDEN THAT WOULD PUT ON THE STAFF.

I'M SORRY, REPEAT EXACTLY WHAT YOU WOULD LIKE US TO ON TRY TO DO.

Alvarez: JUST REALLY THAT THE RESTAURANT OWNER OR OPERATOR JUST INFORM THE CITY THAT THEY'RE GOING TO ALLOW DOGS ON THE PATIO PURSUANT TO THIS PARTICULAR ORDINANCE, AND THAT THE CITY IS GOING TO HAVE -- JUST KEEP A REGISTRY OF THAT AND OBVIOUSLY CAN PROVIDE THAT FOR FOLKS WHO ARE INTERESTED IN WHO'S ALLOWING --

ACTUALLY, I THINK THAT WOULD BE VERY EASY TO IMPLEMENT AND WE COULD EVEN CREATE A BUTTON ON OUR WEB PAGE WHERE PEOPLE COULD GO, WE COULD LIST THOSE, THAT REGISTRY. I THINK THAT WOULD BE VERY

EASY TO DO. >>

Kim: ACTUALLY, I THINK SOME DOG OWNERS WOULD LIKE TO SEE THAT SO THEY COULD KNOW WHERE THEY COULD TAKE THEIR DOGS. I THINK THAT'S FINE.

Mayor Wynn: AGAIN, WE HAVE A MOTION AND A SECOND ON THE TABLE. COUNCILMEMBER ALVAREZ.

Alvarez: THANKS, MAYOR. AND I DIDN'T MEAN TO REPRESENT THE POSITION OF THE RESTAURANT ASSOCIATION. I WILL TRACK DOWN THAT E-MAIL, THOUGH, AND I WILL SHARE IT WITH EVERYONE UNLESS, I GUESS, I WAS DREAMING. BUT AGAIN, FOR ME, I THINK THAT THIS IS -- IT IS AN IMPORTANT ISSUE WE SHOULD BE CONSIDERING. I DON'T KNOW WHY IT ONLY NEEDED TO GO THROUGH A TWO-WEEK PUBLIC PROCESS AND I DON'T UNDERSTAND WHY IT COULDN'T GO TO THE ANIMAL ADVISORY COMMISSION. I DON'T UNDERSTAND WHY WE COULDN'T PUT STRONGER ENFORCEMENT MECHANISMS. FOR ME I KIND OF HAD A NEGATIVE REACTION TO THIS, NOT THAT I DON'T LEAK OR WANT TO PROVIDE THIS FOR THE DOG OWNERS AND THE DOGS THEMSELVES, OF COURSE, BECAUSE I'M A DOG LOVER MYSELF, BUT IT JUST SEEMS FROM A PUBLIC POLICY STANDPOINT, THERE WAS NO NEED FOR THIS TO BE ONLY A TWO-WEEK PROCESS AND TO NOT SOLICIT INPUT FROM SOME OF THESE AVENUES. BECAUSE I DO THINK THERE ARE SOME HEALTH AND SAFETY CONCERNS. AND THEN I THOUGHT THAT THE GENTLEMAN WHO MADE THE SUGGESTION THAT THE OWNERS WHO WANT TO DO THIS GO THROUGH SOME KIND OF SIMPLE TRAINING AT LEAST WOULD ALSO GIVE US SOME KIND OF PROTECTION FROM LIABILITY IN TERMS OF IF ANY KIND OF INCIDENT WERE TO OCCUR. BUT I THINK THAT SINCE I DID GET ONE ONE CONCESSION ON THE REGISTRY, I AM GOING TO GO AHEAD AND SUPPORT THE MOTION, BUT AGAIN, I JUST HOPE THAT FOLKS WHO -- THE BUSINESS OWNERS TAKE IT SERIOUSLY IN TERMS OF THE RESTRICTIONS THAT ARE IN THE ORDINANCE BECAUSE, AGAIN, I THINK THAT THERE IS A POTENTIAL HERE FOR THERE TO BE HEALTH AND SAFETY ISSUES THAT ARISE, BUT THE REQUIREMENTS LAID OUT IN THE ORDINANCE OBVIOUSLY ARE AIMED AT DIMINISHING OR REDUCING THE PROBABILITY THAT THAT WILL OCCUR. SO IF

THOSE AREN'T FOLLOWED, THAT'S WHERE REAL PROBLEMS COULD ARISE. SO ANYWAY, I WILL BE SUPPORTING THE MOTION AND I APPRECIATE THE SPONSORS' ACCEPTING THE SUGGESTION ON CREATING THAT REGISTRY. THANKS.

MAYOR, IF I COULD HAVE A MINUTE. THE BACKUP HAS AN ORDINANCE THAT DOES NOT HAVE THAT SIGNAGE LANGUAGE, SO JUST TO BE CLEAR, WE WILL BE PRESENTING -- WE WILL BE ADJUSTING THAT ORDINANCE TO HAVE THAT SIGNAGE LANGUAGE.

Mayor Wynn: THANK YOU, RAUL. AGAIN A MOTION AND IS A SECOND ON THE TABLE TO APPROVE THIS ORDINANCE AS PRESENTED. FURTHER COMMENTS? AND I'LL JUST SAY WITH ANY ORDINANCE, TO THE EXTENT THAT THERE IS UNEXPECTED CONSEQUENCES OR FURTHER ISSUES, IT CAN ALSO BE REVISITED WITH SIMPLE COUNCIL SPONSORSHIP OF AGENDA ITEM. MOTION AND A SECOND ON THE TABLE. ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

NO.

Mayor Wynn: MOTION PASSES ON A VOTE OF SIX TO ONE WITH MAYOR PRO TEM THOMAS VOTING NO. THANK YOU ALL VERY MUCH. WELCOME MR. RUSTHOVEN.

GOOD EVENING. ITEM 60 IS THE FIRST OF TWO PUBLIC HEARINGS FOR THE PROPOSED WINFIELD MUNICIPAL UTILITY DISTRICT NUMBER 2. IMMINENT PURPOSE ANNEXATION AREA. THE SECOND HEARING IS SCHEDULED FOR NEXT THURSDAY, MARCH NINTH AND THE ORDINANCE READINGS ARE SCHEDULED FOR APRIL SIXTH, 2006. THIS AREA INCLUDES APPROXIMATELY 575 ACRES AND IS LOCATED IN TRAVIS COUNTY AND HAYS COUNTY APPROXIMATELY ONE AND A HALF MILES EAST OF I-35 AND SOUTH OF TURNERSVILLE ROAD AND IS CURRENTLY UNDEVELOPED. THIS AREA IS BEING PROPOSED FOR CONSENSUAL LIMITED PURPOSE ANNEXATION WITH FUTURE VERSION TO FULL PURPOSE ANNEXATION IN ACCORDANCE

WITH THE TERMS OF THE STRATEGIC PARTNERSHIP AGREEMENT BETWEEN THE CITY OF AUSTIN AND THE WINFIELD M.U.D. NUMBER TWO AND THE CONSENT AGREEMENT BY THE COUNCIL ON MAY 19TH, 2005. COPIES OF THE REGULATORY PLAN FOR THIS AREA ARE AVAILABLE THIS EVENING AND LOCATED AT THE TABLE BEHIND ME. THIS CONCLUDES MY PRESENTATION.

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF, COUNCIL? NO CITIZENS SIGNED UP. ARE THERE ANY CITIZENS THAT WOULD LIKE TO ADDRESS US REGARDING THIS ANNEXATION OF THE WINFIELD MUD NUMBER TWO AREA? HEARING NONE, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER MCCRACKEN THAT I'LL SECOND TO CLOSE THIS PUBLIC HEARING. ALL IN FAVOR.

OPPOSED? MOTION PAPS ON A VOTE OF SIX TO ZERO WITH THE MAYOR PRO TEM OFF THE DAIS. >

ITEM 61 IS THE PUBLIC HEARING REGARDING A PROPOSED STRATEGIC PIP AGREEMENT BETWEEN THE CITY OF AUSTIN AND WINFIELD MUNICIPAL UTILITY DISTRICT. THE PROPOSED STRATEGIC PARTNERSHIP AGREEMENT ALLOWS THE CITY TO ANNEX THE AREA FOR LIMITED PURPOSES FOR -- FOR THE LIMITED PURPOSE OF PLANNING AND ZONING, WHICH WILL EXTEND THE CITY REGULATORY AUTHORITY REGARDING DEVELOPMENT CONSTRUCTION, LAND USE, ENVIRONMENTAL QUALITY, THE COLLECTION OF SALES AND USE TAXES TO THE AREA. THE LAND PLAN ADOPTED AS PART OF THE CONSENT AGREEMENT BETWEEN THE CITY AND THE DISTRICT INDICATE SEVERAL PROPOSED USES FOR THIS AREA, INCLUDING RETAIL, OFFICE, COMMERCIAL, RESEARCH DEVELOPMENT, HOSPITAL AND COLLEGE AND UNIVERSITY. THE CITY WILL NOT IMPOSE AD VALOREM TAXES DURING THE LIMITED PURPOSE ANNEXATION, HOWEVER WILL IMPOSE SALES SALES TAXES FOR ANY BUSINESSES IN THE AREA. IN ADDITION, THE WINFIELD MUDS ARE SUBJECT TO THE INTERLOCAL LOCAL AGREEMENT BETWEEN THE CITY OF AUSTIN AND BUDA REGARDING E.T.J.'S SUCH AS MUD'S ONE THROUGH FOUR ARE IN THE CITY OF BUDA E.T.J. AND MUD NUMBER TWO ARE IN THE CITY OF AUSTIN E.T.J. COPIES ARE LOCATED ON THE

TABLE BEHIND ME.

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF, COUNCIL? WE HAVE NO CITIZENS SIGNED UP ON THIS PUBLIC HEARING. ARE THERE ANY CITIZENS THAT WOULD LIKE TO ADDRESS US REGARDING THE PUBLIC HEARING ON THE PROPOSED PARTNERSHIP AGREEMENT BETWEEN THE CITY OF AUSTIN AND WINDFIELD M.U.D. UTILITY DISTRICT NUMBER TWO. HEARING NONE, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION BY COUNCILMEMBER MCCracken, SECONDED BY COUNCILMEMBER DUNKERLEY TO CLOSE THIS PUBLIC HEARING. ALL IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO WITH THE MAYOR PRO TEM OFF THE DAIS. I'M SORRY, SEVEN TO ZERO, THANK YOU.

MAYOR AND COUNCIL, 62 IS THE FIRST OF TWO PUBLIC HEARINGS FOR THE ANNEXATION OF THE NORTHEAST MIDDLE SCHOOL AREA. THIS AREA INCLUDES APPROXIMATELY 74 ACRES AND IS LOCATED IN TRAVIS COUNTY WEST OF JOHNNY MORRIS ROAD WEST OF THE INTERSECTION OF JOHNNY MORRIS ROAD AND BREEZY HILL ROAD. THIS AREA IS ADJACENT TO THE PULLFULL PURPOSE CITY LIMITS AND IS CURRENTLY UNDEVELOPED. AUSTIN INDEPENDENT SCHOOL DISTRICT OWNS THE LAND WITHIN THIS AREA AND HAS REQUESTED THE CITY ANNEX THEIR PROPERTY. COPIES OF THE SERVICE PLAN OF THIS AREA ARE AVAILABLE AND LOCATED ON THE TABLE BEHIND ME. THIS CONCLUDES MY PRESENTATION.

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF? NO CITIZENS HAVE SIGNED UP ON THIS ITEM EITHER. AND AGAIN, ANY CITIZENS THAT WOULD LIKE TO BE HEARD ON THIS PUBLIC HEARING REGARDING THE FULL PURPOSE ANNEXATION OF THE NORTHEAST MIDDLE SCHOOL AREA. HEARING NONE, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING.

SO MOVE.

Mayor Wynn: MOTION MADE BY THE MAYOR PRO TEM THAT I'LL SECOND TO CLOSE THIS PUBLIC HEARING. ALL IN FAVOR

PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU, MR. RUSTHOVEN. THAT TAKES US TO ITEM NUMBER 63, COUNCIL, WHICH IS TO CONDUCT A PUBLIC HEARING TO CONSIDER AN ORDINANCE RELATED TO VERTICAL MIXED USE BUILDINGS. I'LL WELCOME A BRIEF STAFF PRESENTATION.

JENNY GILCHRIST WITH THE LAW DEPARTMENT. IN NOVEMBER WHEN THE COUNCIL APPROVED ITS LAST AMENDMENTS TO THE DESIGN STANDARDS DOCUMENT THAT YOU HEARD THE PRESENTATION ON EARLIER TODAY, STAFF WAS DIRECTED TO BRING BACK TO COUNCIL SOME INTERIM REGULATIONS THAT WOULD ALLOW VERTICAL MIXED USE IN CERTAIN AREAS THAT WERE ALREADY ZONED MU. THE ORDINANCE THAT YOU HAVE BEFORE YOU ACCOMPLISHES THAT. IT TRACKS THE LANGUAGE IN THE DESIGN STANDARDS APPROVED BY COUNCIL AND IT WILL BE IN EFFECT ONLY UNTIL THE ORDINANCE IS BROUGHT BACK, THE FINAL ORDINANCE IMPLEMENTING THE FULL DESIGN STANDARDS, AT WHICH POINT THIS EXPIRES. AND I WILL ENTERTAIN ANY QUESTIONS.

Mayor Wynn: QUESTIONS OF STAFF, COUNCIL? WE HAVE A HANDFUL OF FOLKS WHO HAD SIGNED UP EARLIER WISHING TO SPEAK. ALL IN FAVOR? LET'S SEE IF ANYBODY IS STILL AROUND. IS TERRY FRANZ HERE? TERRY FRANZ SIGNED UP WISHING TO SPEAK, IN FAVOR, AS DID DANETTE, TONY HOUSE? WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY EITHER JEAN MATHER, SAGE WHITE, MIKE MCHONE, ELLEN WARD.

THANK YOU. TONY HOUSE, VICE-PRESIDENT OF SRCC AND A RESIDENT STAKEHOLDER OF THE OLTORF COMBINED NEIGHBORHOOD AREA. THANK YOU FOR ADDRESSING THE NEED TO MAKE SURE THAT MIXED USE WILL ACTUALLY RESULT IN A MIX OF USES. AND IF YOU CAN INCLUDE IN THE ORDINANCE A CONDITIONAL OVERLAY THAT COULD BE SELECTED BY NEIGHBORHOODS THAT WOULD ALLOW THEM SOME FLEXIBILITY IN LIMITING THE USES ALLOWED UNDER

MIXED USE, THEN I AM IN FAVOR OF THIS AMENDMENT. THAT WOULD BE VERY HELPFUL. THANK YOU.

Mayor Wynn: THANK YOU, MS. HOUSE. ANY OF THE FOLKS WOULD LIKE TO ADDRESS US, JEAN MATHER, SAGE WHITE? WELCOME, MS. WHITE. YOU WILL BE FOLLOWED BY MIKE MCHONE.

EVENING. I'M PLEASED THAT YOU ARE CONSIDERING THE VERTICAL MIXED USE REGULATIONS. AS TONY HOUSE SAID, WE THINK IT'S IMPORTANT THAT MIXED USE ZONING REALLY MEANS WE'LL HAVE A MIXED USE PROJECT. AND I ALSO AM GLAD TO SEE THAT THERE'S SOME PROVISION FOR NEIGHBORHOOD INPUT. I THINK THAT PROVIDING FOR NEIGHBORHOOD INPUT IS CRITICAL TO MAKE SURE THAT WHEN WE HAVE A VERTICAL MIXED USE PROJECT IT ADDS VALUE TO THE NEIGHBORHOOD. I ASK YOU TO PLEASE INCLUDE PARKING AMONG THE CONDITIONS OVER WHICH NEIGHBORHOODS WILL BE ABLE TO HAVE INPUT. IN SOME AREAS SUCH AS SOUTH CONGRESS, PARKING IS A BIG CONCERN. IN OTHER AREAS IT MAY NOT BE. BUT IF NEIGHBORHOODS HAVE THE ABILITY TO HAVE INPUT ON THAT, I THINK APPROPRIATE CONCESSIONS CAN BE MADE WHERE IT'S NEEDED. AND FINALLY, CONSIDERING THE MASS THAT WILL BE PERMITTED BY THE VERTICAL MIXED USE REGULATIONS, REASONABLE COMPATIBILITY REQUIREMENTS NEED TO BE WORKED OUT SO THAT WHERE THE VERTICAL MIXED USE BACKS UP TO SINGLE-FAMILY RESIDENCES THAT THERE IS SOME PROVISION FOR SOME KIND OF TRANSITION. BUT I'M VERY GLAD THAT YOU'RE CONSIDERING THIS. THANK YOU.

Mayor Wynn: THANK YOU. WELCOME, MR. MCHONE. YOU WILL BE FOLLOWED BY LAURA MORRISON.

MAYOR PRO TEM AND MEMBERS OF THE COUNCIL. AT THIS LATE HOUR I'M COMING BEFORE YOU TONIGHT AS THE COMMUNITY LIAISON OFFICER OF UNIVERSITY AREA PARTNERS. I PERSONALLY FAVOR THE INCENTIVE-BASED ZONING THAT WE'RE TALKING ABOUT HERE; HOWEVER, I WANTED TO BRING UP ONE ITEM THAT I THINK MAY BE OF CONCERN. THE UNO, UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT, IS AN OPT INTO OVERLAY THAT WAS CAREFULLY

NEGOTIATED AFTER MANY YEARS OF DISCUSSION. IT IS AN OPT IN OVERLAY, AND THE CONCERN THAT WE HAD WITH THE UNIVERSITY WAS TO MAKE SURE THAT WE WERE PROVIDING A STUDENT HOUSING AREA. AND IF YOU JUST ALLOW MIXED USE ZONED PROPERTY TO GO TO A VERTICAL MIXED USE, THE INCENTIVES THAT ARE REQUIRED ARE SUCH THAT WE'RE AFRAID THAT THE OVERLAY DISTRICT WILL NOT BE OPTED INTO, THEREFORE YOU WILL NOT GET THE SMART HOUSING, THE 80% STUDENT HOUSING, THE RIGHT-OF-WAY IMPROVEMENTS, AND THOSE SORTS OF THINGS THAT WERE VERY IMPORTANT TO THE ADOPTION AND THE CREATION OF THE UNIVERSITY NEIGHBORHOOD OVERLAY WILL BE NOT OPTED INTO BY CERTAIN PROPERTY OWNERS THAT MAY BE ALREADY ZONED FOR MIXED USE IN THE NEIGHBORHOOD AND THEY WOULD CHOOSE TO FOREGO THE BENEFITS OF THE UNIVERSITY NEIGHBORHOOD OVERLAY AND JUST DISTRICTLY GO WITH THE VERTICAL MIXED USE. SO WE NEED TO BE CAREFUL IN THE APPLICATION OF THIS THAT WE DON'T UNDERCUT THAT VERY SUCCESSFUL PROGRAM AND CREATE THAT OPPORTUNITY FOR NON-PARTICIPATION. IF YOU HAVE ANY QUESTIONS, I WOULD BE HAPPY TO ANSWER THEM AND THANK YOU FOR THE TIME AND I APPRECIATE YOU WORKING AT SUCH A LATE HOUR.

Mayor Wynn: THANK YOU. WELCOME, MS. MORRISON.

GOOD EVENING. I'M LAURA MORRISON AND I HAD THE OPPORTUNITY TO WORK ON THE TASKFORCE COMING UP WITH THE VERTICAL MIXED USE STANDARDS. AND I THINK THAT THIS IS GOING TO BRING A LOT OF BENEFIT AND VITALITY TO SOME OF OUR NEIGHBORHOODS USING THEM. I WANTED TO MAKE A COUPLE OF COMMENTS. ONE, I JUST WANTED TO CLARIFY A COUPLE OF THINGS IN THE LANGUAGE. I WAS CONCERNED UNDER H 4 B WHERE THE LANGUAGE FOR THE NEIGHBORHOOD OPT OUT POSSIBILITY IS. IT READS THAT THE -- LET'S SEE. THAT THE NEIGHBORHOODS MAY SUBMIT AN APPLICATION REQUESTING THAT COUNCIL REQUIRE ONE OR MORE VERTICAL MIXED USE BUILDINGS IN THE DISTRICT TO COMPLY WITH THE THINGS. AND WHEN WE DO THAT WE HAVE 90 DAYS TO DO THAT. IT SAYS 45 RIGHT NOW, BUT IT'S

GOING TO CHANGE TO 98.

THAT'S CORRECT.

WHEN WE DO THAT THERE WON'T BE ANY VERTICAL MIXED USE BUILDINGS TO BE OPTING OUT ON, SO I WANTED TO CLARIFY WHAT WE REALLY MEAN IS THAT THE NEIGHBORHOODS WILL BE COMING IN AND EXPRESSING A DESIRE TO OPT OUT ON MU PROPERTIES. NOT VERTICAL MIXED USE BUILDINGS. I DON'T KNOW IF -- IT'S LATE. I DON'T KNOW IF I'M MAKING MYSELF CLEAR. AND SECONDLY, THE 90 DAYS. AND THIRDLY, IT'S CERTAINLY MY UNDERSTANDING THAT COMPATIBILITY STANDARDS ARE STILL ENFORCED AND I JUST WANT TO CLARIFY THAT BECAUSE I HAD HEARD SOME DISCUSSION OTHERWISE. AND I DO HOPE THAT YOU'LL TAKE INTO CONSIDERATION ADDING THE PARKING AS AN OPT OUT THING TOO BECAUSE I THINK THAT THE NEIGHBORHOOD REPS THAT WERE PARTICIPATING IN THE TASKFORCE, IT JUST DIDN'T OCCUR TO US THAT THAT WAS AN ISSUE. AND ESPECIALLY FOR SOUTH CONGRESS. THEY'RE ALREADY SLAMMED ON CERTAIN NIGHTS. AND HOPEFULLY THIS WILL BE SOME IMPETUS TO ACTUALLY SOLVE THAT PROBLEM SO WE CAN ALL WORK TOGETHER TO GET THAT DONE. SO I THINK WITH THOSE CLARIFICATIONS AND THAT ONE CHANGE THAT THERE WILL BE A LOT OF BENEFITS THAT WE GET FROM THIS AND I HOPE YOU WILL PASS IT. THANK YOU.

Mayor Wynn: THANK YOU. AND ELLEN WARD SIGNED UP NOT WISHING TO SPEAK, ALSO IN FAVOR. ARE THERE ANY OTHER FOLKS WHO WOULD LIKE TO ADDRESS US REGARDING THIS PUBLIC HEARING, ITEM NUMBER 63? THANK YOU ALL. WELCOME BACK, MS. GILCHRIST.

COUNCIL, THIS ORDINANCE WAS REVIEWED BY PLANNING COMMISSION EARLIER THIS WEEK AND THEY HAD A COUPLE OF MINOR SUGGESTIONS FOR CHANGES. THEIR RECOMMENDATION INCLUDED REVISING PART H 1 B LITTLE I TO STATE THAT THE FIRST TWO FLOORS MAY NOT BE BOTH ADMINISTRATIVE AND PROFESSIONAL OFFICES, AND TO REVISE PART H 4 A TO INCLUDE THE PARKING REDUCTION. SO THOSE WERE THE PLANNING COMMISSION RECOMMENDATIONS. ADDITIONALLY THEY RECOMMENDED THAT WHEN THE DESIGN STANDARDS AS A WHOLE WERE

CONSIDERED, THAT AFFORDABLE HOUSING WAS CONSIDERED AS ONE OF THE INCENTIVES. AND I BELIEVE CLARION AND ASSOCIATES DISCUSSED THAT PREVIOUSLY TODAY.

Mayor Wynn: THANK YOU. COUNCILMEMBER MCCRACKEN.

McCracken: YEAH. AND ONE OF THE -- I AGREE. I THINK LAURA HAS MADE A GOOD CATCH ON THE 90 DAYS FOR MU PROPERTIES AS OPPOSED TO BUILDING. SO WHEN WE DO A MOTION --

THE ORDINANCE IS CORRECTED AND THE BACKUP WAS SUBSTITUTED.

McCracken: OKAY. I DON'T HAVE IT. I'M JUST GOING OFF THE ONLINE VERSION OF IT. OKAY. AND ALSO, I THINK THAT THERE'S SOME GOOD MERIT ON THE PARKING SUGGESTION. BUT WHAT LAURA AND I HAVE DISCUSSED IS BECAUSE WE HAVE RUN ON A STRICT CONSENSUS BASIS ON DESIGN STANDARDS THAT WE'RE GOING TO BRING THE TASKFORCE TOGETHER IN THE NEXT TWO WEEKS AND WORK IN CONSENSUS ON A GOOD APPROACH ABOUT BRINGING THE PARKING ISSUES, OPPORTUNITIES WITH THE NEIGHBORHOOD REVIEW ALSO, NEIGHBORHOOD PLAN AREAS IN PARTICULAR. AND I'VE ALREADY THOUGHT OF SOME IDEAS, LAURA, SO WE CAN HUDDLE UP. AND THEN THE -- I THINK THAT MIKE HAS IDENTIFIED A GOOD CATCH ON UNO. WE PURPOSELY EXCLUDED VIRTUALLY ALL OF U.N.O. FROM THE VERTICAL MIXED USE POTENTIAL, HOWEVER THE PARTS OF GUADALUPE IN PARTICULAR WOULD BE IN THERE, SO I THINK WE'LL NEED TO EXPLICITLY STATE THAT ANYWHERE WITHIN THE UNIVERSITY NEIGHBORHOOD OVERLAY IS GOVERNED BY THE MIXED USE PROVISIONS WITHIN U.N.O. AND NOT BY THIS PROVISION. AND FINALLY, THE AFFORDABLE HOUSING I THINK IS A GREAT IDEA. WHAT WE'VE LEARNED FROM DEVELOPERS WHO ARE PENCILLING THIS OUT IS THAT THE VERTICAL MIXED USE, PARTICULARLY THE CAP ISSUES, WORKS WELL. AND TWO DEVELOPERS HAVE COME UP AND TOLD ME THIS IS A GREAT OPPORTUNITY TO ADD AFFORDABLE HOUSING AS A COMPONENT OF VERTICAL MIXED USE. WE'VE ALSO HEARD THAT FROM FOLKS IN THE NEIGHBORHOOD. I THINK THERE

ARE SOME GREAT OPPORTUNITIES HERE. AND ON COMPATIBILITY STANDARDS, WE HAVE EXPLICITLY STATED THAT COMPATIBILITY STANDARDS STILL TRUMP, BUT I THINK WE HEARD FROM CLARION THAT WAS INTRIGUING TODAY IS THERE ARE SOME NEW APPROACHES WE CAN SHOW YOU THAT ARE WORKING REALLY WELL IN OTHER COMMUNITIES IF YOU'RE INTERESTED IN CONSIDERING THEM. I'D LOVE TO HEAR FROM THEM. AND I WANTED TO THANK THE SOUTH RIVER CITY CITIZENS AND AUSTIN NEIGHBORHOOD COUNCIL FOR BEING HERE AND STAYING HERE SO LATE. THE FIRST VERTICAL MIXED USE PROJECT APPROVED IN THE CITY UNDER DESIGN STANDARDS WAS SUPPORTED BY SOUTH RIVER CITY CITIZENS IN FRONT OF THE BOARD OF ADJUSTMENTS. SO THEY'VE BEEN A GREAT ADVOCATE FOR THIS AND FOR A GOOD URBAN PLANNING. DON'T LET ANYONE TELL THAW THE NEIGHBORHOODS ARE OPPOSED TO DENSITY BECAUSE SOUTH RIVER CITY WAS OUT THERE ADVOCATING FOR LOTS OF EXTRA DID DENSITY, INCLUDING LIFTING THE DENSITY CAPS TO PUT VERTICAL MIXED USE ON SOUTH CONGRESS. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, COUNCILMEMBER.  
COUNCILMEMBER ALVAREZ.

Alvarez: I GUESS I'M -- ARE WE ACTUALLY VOTING THIS IN TODAY OR WAS THIS JUST A PUBLIC HEARING? I HAVEN'T SEEN THE ORDINANCE, SO I'M NOT SURE WHAT EXACTLY WE'RE EXPECTED TO BE VOTING ON.

Mayor Wynn: WE ARE POSTED FOR A PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE AMENDING THE CITY CODE.

McCracken: COUNCILMEMBER, THIS IS ALMOST WORD FOR WORD A STRAIGHTFORWARD CODIFICATION WHAT WE PASSED UNANIMOUSLY BACK IN NOVEMBER OF THE DESIGN STANDARDS PORTION FOR VERTICAL MIXED USE. AND REPRESENTS WHAT YOU AND I AND THE OTHER TASKFORCE MEMBERS WORKED ON. AND AT THAT TIME WE DID DIRECT STAFF TO BRING FORWARD SOME INTERIM STANDARDS. WE'VE HAD -- THE WHOLE TASKFORCE GROUP ALSO LOOKED IT OVER, BUT I CAN REPRESENT TO YOU THAT THIS IS A STRAIGHTFORWARD, NOTHING SPECIAL, BASICALLY

TRANSCRIPTION OF WHAT WE'VE ALREADY PASSED.

Alvarez: WHAT I'M SAYING IS THERE WAS NOTHING IN THE BACKUP. THERE WASN'T AN ORDINANCE IN THE BACKUP THAT I RECEIVED AND I DIDN'T SEE ANYTHING IN YELLOW THAT PROPOSES TO ESTABLISH WHATEVER IT IS WE'RE PROPOSING.

IT WASN'T ATTACHED AS LATE BACKUP, BUT I CAN GET ADDITIONAL COPIES MADE FOR COUNCIL.

McCracken: IT'S ON THE WEBSITE, AT LEAST.

Alvarez: I DO WANT AN EXPLANATION OF WHAT -- ESPECIALLY IF WE'RE GOING TO VOTE ON IT, WHAT THIS DOES BECAUSE WE'RE TALKING ABOUT DENSITY BONUSES AND EXCEEDING DENSITY CAPS. AND WE APPROVED A LOT OF MU'S AND A LOT OF NEIGHBORHOOD PLANS AND EAST AUSTIN WAS THE FIRST PLACE WE DID THIS, AND IN MANY NEIGHBORHOODS WE VERY CONSCIOUSLY SET SOME HEIGHT LIMITATIONS, SO I'M JUST WONDERING IN TERMS OF WHEN WE'RE SAYING LIFTING DENSITY CAPS, WHAT DOES THAT MEAN?

McCracken: AND COUNCILMEMBER, IT'S KIND OF A MISLEADING TERM. WHAT WE HAVE IS WE HAVE A VERY SUBURBAN RELIC ORIENTATION IN OUR ZONING CODE WHICH SAYS THAT YOU HAVE TO HAVE A CERTAIN AMOUNT OF LAND SET ASIDE FOR EACH UNIT. THAT'S -- IT'S A REAL LOW DENSITY MODEL. IT'S KIND OF SHORTHANDED AS DENSITY CAPS, BUT WHAT IT REALLY SPECIFIES IS HOW MUCH LAND YOU'RE REQUIRED TO SET ASIDE PER APARTMENT UNIT. AND SO THERE'S BEEN A GOOD BROAD RECOGNITION OF THAT -- THAT'S REALLY A RELIC OF A DIFFERENT ERA. HEIGHT RULES APPLY, COMPATIBILITY STANDARDS STILL APPLY. AND ON THE ISSUE OF WHETHER YOU WOULD REMOVE THIS REQUIREMENT ABOUT HOW MUCH LAND YOU SET ASIDE PER UNIT, NEIGHBORHOODS WILL GET 90 DAYS TO REVIEW IT AND THEN ANOTHER 90 DAYS TO -- YOU HAVE UP TO 180 DAY REVIEW PERIOD BY NEIGHBORHOODS. AND SO WE NEGOTIATED THIS WITH THE AUSTIN NEIGHBORHOOD COUNCIL, BUILT A BIG LAYER OF PROTECTION AND REVIEW ON TA FROM NEIGHBORHOODS. IT WILL NOT AFFECT NIGHT AND NOT AFFECT COMPATIBILITY

STANDARDS. THOSE REMAIN UNCHANGED.

Alvarez: SO HOW ARE WE TALKING ABOUT PROMOTING MORE DENSITY? IS IT ALLOWING MORE THAN WHAT'S ALREADY ALLOWED?

McCracken: LET'S TAKE THE MIXED USE PROJECT THAT THE SOUTH RIVER CITY CITIZENS SUPPORTED BEFORE THE BOARD OF ADJUSTMENT. BY SETTING ASIDE THAT, THAT ALLOWED MORE UNITS TO BE BUILT IN THERE BECAUSE OF THE FORMULA. AND SO WHAT IT DOES IS YOU JUST SAY WE'RE ONLY FOCUSED ON THE HEIGHT AND COMPATIBILITY STANDARDS, NOT TRY TO REQUIRE A CERTAIN AMOUNT OF LAND SET ASIDE. IT'S NOT SOMETHING WE'RE TRYING TO DO -- >>

Alvarez: IT'S NOT A REQUIREMENT WE ALREADY PLACE --

McCracken: YEAH.

Alvarez: THAT'S WHAT I WAS UNDERSTANDING. THANKS FOR THAT CLARIFICATION.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING AND CONSIDER THIS ORDINANCE AMENDMENT.

McCracken: I GUESS THE QUESTION I HAVE, DO -- CAN WE MOVE TO APPROVE ON ALL THREE READINGS? I'LL MOVE TO CLOSE THE PUBLIC HEARING AND TO APPROVE ON ALL THREE READINGS THE REVISED -- ACTUALLY -- NO, THE ORDINANCE BEFORE US WITH THE FOLLOWING EXCEPTION, THAT IT WILL BE ON H 4 B. THAT THE NUMBERS CHANGE TO NOT LATER THAN THE 90TH DAY AFTER THE EFFECTIVE DATE OF ENFORCEMENT. AND THAT IT STATES THAT -- I'M TRYING TO FIND THE LANGUAGE ABOUT VERTICAL MIXED USE OR MIXED USE PROPERTIES AS OPPOSED TO BUILDINGS. I'VE REQUESTED THAT ON H 4 B IT SAYS MAY SMIMENT APPLICATION TO CITY MANAGER REQUESTING THE COUNCIL REQUIRE ONE OR MORE MIXED USE PROPERTIES IN THE DISTRICT AS OPPOSED TO BUILDINGS. AND THEN ALSO THAT WE MAKE IT EXPLICIT THAT THE UNIVERSITY

NEIGHBORHOOD OVERLAY REQUIREMENTS ARE NOT AFFECTED BY ANYTHING IN THIS VERTICAL MIXED USE ORDINANCE AND THAT TO DO -- THE VERTICAL MIXED USE PROVISIONS IN THE UNIVERSITY NEIGHBORHOOD OVERLAY TRUMP ANYTHING IN THIS ORDINANCE.

ADDITIONALLY, COUNCILMEMBER, IF WE RAISE OR EXTEND THE TIME FRAME IN 4 B TO 90 DAYS, IN 4 C, THE 90 DAY PERIOD THAT APPEARS THERE NEEDS TO BE RAISED TO 145 DAYS. AND ALSO IN THE 90 NEEDS TO BE EXTENDED TO 135 DAYS.

McCracken: TO 135 DAYS IN C AND D. AND SO WITH THAT I'LL SUBMIT THE MOTION AND ALSO FURTHER THE REPRESENTATION THAT WE WILL RECONVENE THE TASKFORCE HERE IN THE NEXT TWO WEEKS TO DISCUSS ISSUES ABOUT PARKING STANDARDS AND REVIEWS IN THERE TOO.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCRACKEN TO CLOSE THE PUBLIC HEARING AND APPROVE THIS ORDINANCE AMENDMENT WITH HIS ADDITIONAL COMMENTS ON ALL THREE READINGS. I'LL SECOND THAT WITH A QUESTION. COUNCILMEMBER, HELP ME FIGURE OUT HOW, IF AT ALL, THIS INCORPORATES THE SUGGESTIONS FROM THE PLANNING COMMISSION?

McCracken: IT INCORPORATES THE SUGGESTION ABOUT THE 90TH DAY AS OPPOSED FOR THE 45TH DAY. ON THE ISSUE OF PARKING, THE PLANNING COMMISSION MADE A SUGGESTION THAT WE'RE GOING TO TAKE UP WITH THEIR TASKFORCE. AND BECAUSE THESE ARE INTERIM STANDARDS, WE CAN EITHER KIND OF AMEND THEM OR WE CAN TAKE IT UP IN THE FINAL CODIFICATION, WHICH IS SET FOR ABOUT TWO AND A HALF, THREE MONTHS FROM NOW.

Mayor Wynn: THANK YOU. MOTION AND A SECOND ON THE TABLE. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF

SEVEN TO ZERO. ON ALL THREE READINGS. THANK YOU ALL VERY MUCH. OKAY. ITEM NUMBER 64 TAKES US BACK TO, AT LEAST AS POSTED, USE AND SITE DEVELOPMENT REGULATIONS APPLICABLE TO SINGLE-FAMILY RESIDENTIAL USES. MS. TERRY?

YES, SIR. MAYOR AND COUNCIL, THE TASKFORCE THAT YOU ALL APPOINTED HAS BEEN WORKING VERY DILIGENTLY ON THESE ISSUES. THEY ARE -- WHAT THEY'RE DOING RIGHT NOW IS CONSIDERING SOME ADDITIONAL PROVISIONS THAT THEY'D LIKE TO SEE MAY R. IN THIS VERSION. THEY ARE NOT READY. IT HAS BEEN TO THE PLANNING COMMISSION. THE PLANNING COMMISSION RECOMMENDED THE ORDINANCE WITH THE DELETION OF DUPLEXES, THAT IS, THE ORDINANCE AS IS, YOUR MORATORIUM ORDINANCE, THE PERMANENT ORDINANCE WITH THE DELETION OF DUPLEXES, BUT THE TASKFORCE HAS YET TO FINISH ITS WORK. AND SO THE STAFF IS REQUESTING THAT THIS BE DELAYED OR POSTPONED UNTIL NEXT COUNCIL MEETING, WHICH WOULD BE MARCH THE NINTH AT 6:00 P.M.

Mayor Wynn: REQUEST BY STAFF TO POSTPONE CASE NUMBER -- PUBLIC HEARING NUMBER 64 FOR ONE WEEK TO MARCH NINTH, 2006.

SO MOVE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ. SECONDED BY COUNCILMEMBER LEFFINGWELL. I JUST WANT TO NOTE THAT SOME FOLKS HAD SIGNED UP MOSTLY NOT WISHING TO SPEAK. JEAN MATHER WANTED TO SPEAK FOR. HARRY SAVIO WANTED TO PE AGAINST AND THEN A NUMBER OF FOLKS NOT WANTING TO SPEAK IN FAVOR. WE'LL MAKE SURE THOSE FOLKS WILL BE EXPANDED AND ADDITIONAL FEEDBACK FROM THE TASKFORCE BY NEXT THURSDAY. MOTION AND A SECOND ON THE TABLE TO POSTPONE ITEM 64 FOR ONE WEEK. ALL IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU VERY MUCH. SO THAT LEAVES

US WITH ITEM NUMBER 65. MR. ZAPALAC, WELCOME.

THANK YOU, MAYOR AND COUNCIL. STAFF IS REQUESTING A POSTPONEMENT OF ITEM 65, WHICH IS AN APPEAL BY THE TUMBLEWEED INVESTMENT JOINT VENTURE OF THE DENIAL OF AN EXTENSION REQUEST FOR A SITE PLAN AT 9512 FM 2222. THE STAFF IS REQUESTING A POSTPONEMENT UNTIL NEXT WEEK, MARCH THE NINTH AT 6:00 AND THE APPELLANT IS IN AGREEMENT WITH THE REQUEST.

Mayor Wynn: I HOPE THEY DIDN'T WAIT HERE ALL NIGHT FOR THAT. SO STAFF'S RECOMMENDATION TO POSTPONE PUBLIC HEARING NUMBER 65 REGARDING THE SITE PLAN APPEAL KNOWN AS TUMBLEWEED. I'M SORRY, GEORGE, THE SUGGESTED POSTPONEMENT WAS --

MARCH THE NINTH.

Mayor Wynn: ONE WEEK, MARCH THE NINTH. COMMENTS, QUESTIONS? I'LL ENTERTAIN A MOTION.

MOVE FOR MOOFL.

Mayor Wynn: MOTION BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER DUNKERLEY TO POSTPONE ITEM NUMBER 65 FOR ONE WEEK TO MARCH NINTH, 2006. ALL THOSE IN FAVOR, PLEASE SAY AYE. OPPOSED? MOTION FOR POSTPONEMENT PASS OZ A VOTE OF SEVEN TO ZERO. MR. OSWALD, WELCOME. ITEM NUMBER 66.

... CONSTRUCTION OF AN ADDITION TO A SINGLE-FAMILY RESIDENCE AT 1505 PARKWAY IN THE 25 AND 100 YEAR FLOODPLAIN AND TO WAIVE THE REQUIREMENT TO DEDICATE A DRAINAGE EASEMENT TO THE 100 YEAR FLOODPLAIN TO THE FOOTPRINT OF THE RESIDENCE. THE STAFF RECOMMENDS AGAINST THIS VARIANCE PRIMARILY FOR TWO REASONS, BECAUSE OF THE LACK OF DRY ACCESS TO THE HOUSE DURING A HIGH WATER EVENT AND THE INCREASED OPPORTUNITY FOR OCCUPANCY IN THE FLOODPLAIN ASSOCIATED WITH THE 674 SQUARE FOOT ADDITION. THE FIRST READING ON THIS ISSUE WAS CONDUCTED ON FEBRUARY 16TH. THE COUNCIL ELECTED TO APPROVE THE VARIANCE BY A VOTE OF 4-2. THAT IS WHY

WE'RE GOING THROUGH THE SECOND READING THIS EVENING. I'LL TAKE ANY QUESTIONS YOU MAY HAVE.

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF, COUNCIL. AGAIN, THIS IS POSTED FOR SECOND AND THIRD READING. OF THIS ORDINANCE, WHICH IS A VARIANCE REQUEST. I'LL JUST SAY THAT I WAS -- I VOTED IN SUPPORT OF IT ON FIRST READING. ACTUALLY WENT OVER AND WALKED THE PROPERTY, EVEN FROM THE CREEK BED, AND THE FACT OF THE MATTER IS THE IMPROVEMENTS ARE THERE. IT WOULD JUST BE ENCLOSING AND UTILIZATION OF THIS SORT OF ELEVATED SLAB STRUCTURE. I REMAIN SUPPORTIVE OF THIS VARIANCE. QUESTIONS OF STAFF, COMMENTS, COUNCIL?

McCracken: MAYOR, I'LL MOVE TO GRANT THE VARIANCE ON SECOND AND THIRD READING FOR THE WAIVER REQUEST.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCRACKEN TO APPROVE ON SECOND AND THIRD READING THE ORDINANCE GRANTING THIS VARIANCE. SECONDED BY THE MAYOR PRO TEM. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF FIVE TO TWO WITH COUNCILMEMBERS LEFFINGWELL AND ALVAREZ SHOWN VOTING NO. MS. GENTRY, THAT'S ALL OF OUR ITEMS. THERE BEING NO MORE ITEMS BEFORE THE CITY COUNCIL, WE STAND ADJOURNED. THANK YOU ALL VERY MUCH. IT'S 11:42 P.M.

**End of Council Session Closed Caption Log**